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# COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1984

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## REPORT

SUBMITTED TO THE

COMMITTEE ON FOREIGN RELATIONS
U.S. SENATE

AND

COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES

BY THE

DEPARTMENT OF STATE

IN ACCORDANCE WITH SECTIONS 116(d) AND 502B(b) OF THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED

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# FOREWORD

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The reports on individual country human rights practices contained herein were prepared by the Department of State in accordance with sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961, as amended. They also fulfill the legislative requirement of section 31 of the Bretton Woods Agreement Act.

Because there is interest in human rights practices of all nations—those that receive U.S. foreign assistance and those that do not—these reports are being printed to assist Members of Congress in considering legislation in the area of foreign assistance.

RICHARD G. LUGAR,
*Chairman, Committee on Foreign Relations,*
DANTE B. FASCELL,
*Chairman, Committee on Foreign Affairs.*

# LETTER OF TRANSMITTAL

DEPARTMENT OF STATE,
*Washington, DC, January 31, 1985.*

Hon. RICHARD G. LUGAR,
*Chairman, Committee on Foreign Relations,*
*U.S. Senate.*

Hon. THOMAS P. O'NEILL, Jr.,
*Speaker, House of Representatives.*

DEAR SIRS: I have the distinct honor to present the report prepared in compliance with sections 116(d)(1) and 502B(b) of the Foreign Assistance Act of 1961, as amended.

Sincerely,

ROBERT F. TURNER,
*Acting Assistant Secretary,*
*Legislative and Intergovernmental Affairs.*

Enclosure.

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# COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES

## INTRODUCTION

### 1984 Human Rights Report

This report is submitted to the Congress by the Department of State in compliance with Sections 116(d)(1) and 502B(b) of the Foreign Assistance Act 1961, as amended.* The legislation requires reports on all countries which receive aid from the United States, and all countries which are members of the United Nations. In the belief that the information would be useful to the Congress and other readers, we have included as well reports on countries such as Switzerland which are not technically covered in the Congressional requirement. This year there are 164 separate reports, including for the first time one on Brunei, which became independent at the beginning of 1984.

Conditions in most countries are described up to the end of 1984; for a few countries, significant developments occurring during the first weeks of 1985 also are included. A list of twelve international human rights covenants and agreements is included as an Appendix to this report, as well as a sketch of United States human rights policy and a discussion of democracy and human rights, which is excerpted from the Introduction to the 1983 *Country Reports*.

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*Section 116(d)(1) provides as follows:

"The Secretary of State shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, by January 31 of each year, a full and complete report regarding --

"(1) the status of internationally recognized human rights, within the meaning of subsection (a) --

(A) in countries that received assistance under this part, and

(B) in all other foreign countries which are members of the United Nations and which are not otherwise the subject of a human rights report under this Act."

Section 503(B)(b) provides as follows:

"The Secretary of State shall transmit to Congress, as part of the presentation materials for security assistance programs proposed for each fiscal year, a full and complete report, prepared with the assistance of the Assistant Secretary for Human Rights and Humanitarian Affairs, with respect to practices regarding the observance of and respect for internationally recognized human rights in each country proposed as a recipient of security assistance."

The format for the reports follows that of last year, which proved generally satisfactory as a framework for addressing the human rights issues of greatest concern to the United States Government. Each report begins with an introduction which provides the political and economic background of the country, describes how the country is governed, and discusses the general trend of human rights in 1984. The report then discusses three broad categories of human rights, in three sections corresponding to the categories:

-- first, the right to be free from governmental violations of the integrity of the person--violations such as killings; torture; cruel, inhuman, or degrading treatment or punishment; arbitrary arrest or imprisonment; denial of fair public trial; and invasion of privacy.

-- second, the right to enjoy civil rights, without discrimination based on race or sex, including freedom of speech, press, assembly, and religion, and the right to travel freely within and outside one's own country.

-- third, political rights, or the right of citizens to change their government.

A fourth section in the discussion of human rights in each country describes the government's attitude toward outside investigation of internal human rights conditions. A final section in each report discusses general economic and social conditions in the country.* Each report is then followed by statistical tables, where relevant, listing the amounts of United States bilateral assistance and multilateral development assistance for fiscal years 1982, 1983, and 1984 (absence of such a table means that the country received no such assistance for those years).

The only change in terminology from the 1983 report is in the heading "political killing," under which we describe killing that is illegal or politically motivated or government inspired. Although the term used for 1983, "unlawful or arbitrary deprivation of life," was based on the corresponding category in the International Covenant on Civil and Political Rights, many readers felt that it was not an apt description of the human rights abuse concerned. While "political killing" may in turn imply a narrowed definition, the abuses discussed in this category continue to include both politically motivated killings by governments or opposition forces and arbitrary killings committed or instigated by them as a conscious exercise of political power.

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*It should be noted that statistical data on economic and social conditions in the final section of each country report are drawn from World Bank figures, which we believe to be the most reliable available. For many countries the Bank data may be two or more years old, but we have used them as the best single, reasonably reliable set of data compiled under consistent methods for all countries. Only when it is clear that the data are significantly out-of-date or that a particular estimate is seriously questionable, have we used data from other sources.

Within the established format, the 1984 report expands coverage in certain categories in order to provide Congress, government agencies, and other users with additional information relevant to their needs. The practice of incommunicado detention, often a symptom that torture is condoned, is specifically addressed, where applicable, in Section 1d, "Arbitrary Arrest, Detention or Exile." The right of workers to organize independent labor unions and to bargain collectively is given increased attention in Section 2b, "Freedom of Peaceful Assembly and Association," as it constitutes a particularly important exercise of this right and is usually a good indicator of the state of human rights in a country. Similarly, Section 2c on "Freedom of Religion" has been expanded for many countries. Increased attention has also been given in most reports to the status of women. In addition to expanding the treatment of the general situation of women and minorities in the final section of the report, we have addressed specific cases of discrimination in the respective applicable categories of human rights.

## Preparation of the Report

The report must be submitted to Congress by January 31. To comply, United States diplomatic missions are given guidance in September concerning the timing of submission of draft reports, format, and areas of interest to be discussed. Reports on countries in which there is no United States representation are prepared in the Department of State. After contributions are received from embassies and appropriate offices in the Department, a final draft is prepared under the coordination of the Bureau of Human Rights and Humanitarian Affairs and submitted to the Congress. Because of the preparation time required, it is possible that developments in the latter part of the year under review may not be fully reflected; every effort is made, however, to include reference to major events or significant changes in trends.

The reports are based upon all information available to the United States Government. Sources include American officials, officials of foreign governments, private citizens, victims of human rights abuse, congressional studies, intelligence information, press reports, international organizations, and non-governmental organizations concerned with human rights. Much of this information is already public. For obvious reasons much of our information cannot be attributed to specific sources.

We are particularly appreciative of, and make reference in most reports to, the role of non-governmental human rights organizations, ranging from groups in a single country to major organizations which concern themselves with human rights matters in larger geographic regions or over the entire world. Only two major non-governmental organizations, Amnesty International and Freedom House, attempt reports with world-wide coverage. References to their views and findings are included in most of our reports. Reports from some of these organizations are for periods ending well before the end of 1984. In many cases the observations will have remained valid through 1984, but in others the situation may have changed significantly. We have attempted in each report to consider and reflect this.

Our report also differs in coverage from reporting by some non-governmental organizations. For example, we believe that it is necessary to treat violations such as torture, murder, interference with a free press, and intimidation of the judiciary whether they are committed by governments or by opposition movements. This course is particularly essential in a period when many opposition and guerrilla movements maintain, to a greater or lesser degree, a state apparatus (e.g., control and administration of territory, flags, organized military units). We also regard political rights as fundamental and endeavor to discuss them in detail. Some private human rights organizations consider the use of capital punishment a human rights violation per se. Neither the Executive Branch nor the United States Supreme Court takes the position that the death penalty, imposed after due process in a legitimate judicial system, constitutes a violation of internationally recognized human rights or that it constitutes cruel and unusual punishment.

Extreme care has been taken to make these country reports objective and as comprehensive as space will allow. Given the reports' diverse readership, it is also important that they be as consistent as possible in both scope and quality of coverage. Therefore, particular attention has been paid to attaining a high standard of consistency despite the multiplicity of sources and the obvious problems related to varying degrees of access to information, structural differences in political and social systems, and trends in world opinion regarding human rights practices in specific countries.

Access presents the greatest obstacle to a consistent approach, especially since closed societies tend to have some of the worst human rights abuses. Our most detailed reporting comes from open societies, where access and evaluation are welcomed and facilitated by governments whose concern for human rights equals our own. Since information available from closed societies is more limited, the reports may differ markedly in terms of the evidence presented in discussing specific human rights violations.

There is also a conceptual difficulty in applying a single standard of evaluation to societies with differing cultural and legal traditions. Human rights observers tend to focus on the effectiveness of such modern, Western institutions as trial by jury, habeas corpus, a free press, parliaments, and elections, and to ignore non-Western, traditional institutions. It is not easy at times to decide whether adherence to certain indigenous traditions is a violation of human rights or an affirmation of them.

This problem of perspective also applies in discussing countries which face differing political and economic realities. A nation's stage of development or its geographic situation, for example, should never be regarded as an excuse for violations of human rights but must be taken into account in describing the human rights environment. Similarly, a particular country's human rights reputation, or the public scrutiny it may previously have received, cannot be ignored by anyone discussing its current human rights performance.

Rather than viewing a country in isolation, then, these reports take as their point of departure the world as it is and apply a consistent approach in assessing each country's human rights situation. While we have tried to make each report self-contained by including enough background information to place the human rights situation in context, readers who need to delve more deeply may wish to consult other sources, including previous country reports.

## United States Human Rights Policy

Our human rights policy also faces the world as it is, not as we might wish or imagine it to be, with a commitment to active engagement as a consistent approach to a variety of challenging situations. As President Reagan has said, "human rights means working at problems, not walking away from them." This is a pragmatic policy which aims not at striking poses but at having a practical effect on the well-being of real people. At the same time, it is an idealistic policy, which expresses the continuing commitment of the United States to the cause of liberty and the alleviation of suffering.

Since America was created in order to make real a specific political vision, it follows that "human rights" is not something added onto our foreign policy, but is its ultimate purpose: the preservation and promotion of liberty in the world. In his address to the U.N. General Assembly in September 1984, President Reagan stated that the United States will continue to view concern for human rights as the moral center of our foreign policy.

Our human rights policy has two goals. First, we seek to improve human rights practices in numerous countries--to eliminate torture or brutality, to secure religious freedom, to promote free elections, and the like. A foreign policy indifferent to these issues would not appeal to the idealism of Americans, would be amoral, and would lack public support. Moreover, these are pragmatic, not utopian, actions for the United States. Our most stable, reliable allies are democracies.

As the second goal of our human rights policy, we seek a public association of the United States with the cause of liberty. This is an eminently practical goal: our ability to win international cooperation and defeat anti-American propaganda will be harmed if we seem indifferent to the fate of liberty. Friendly governments are often susceptible to confidential diplomacy, and we therefore use it rather than public denunciations. But if we never appear seriously concerned about human rights violations in friendly countries, our policy will seem one-sided and cynical. Thus, while the Soviet bloc presents the most serious long-term human rights problem, we cannot let it falsely appear that this is our only human rights concern.

Our human rights policy also has two tracks or sides, the negative and the positive. The negative side is embodied in the way we oppose (through act or word) specific human rights violations in the short term. On the positive side, strongly emphasized by the Reagan Administration, we seek over the long term to help democracy, the surest safeguard of human rights. It is a fact that most democracies have excellent human rights records; nothing is as likely as democracy to produce this result.

Obviously, the positive track of human rights policy is not a substitute for an immediate and active response, including sanctions, for human rights violations when they occur. But the Administration believes that we should treat not only the symptoms but the disease--that we should not only respond to human rights violations but also should work to establish democratic systems in which human rights violations are less likely to occur.

It is therefore encouraging to see real progress coming about in the strengthening of democratic institutions, particularly in Latin America and the Caribbean, to which President Reagan referred in his remarks commemorating Human Rights Day on December 10, 1984. Noting that today more than 90 percent of the people in that region live in nations either democratically governed or moving in that direction, the President pledged "to our neighbors the continued support and assistance of the United States as they transform our entire hemisphere into a haven for democracy, peace, and human rights."

Our efforts, and those of others, to keep human rights concerns a central focus of international relations face the continuing problem that activist human rights policies such as ours traditionally aim at affecting the domestic behavior of other countries, while governments are reluctant to alter their nation's political system for foreign policy reasons. Since the leverage that the United States does have is strongest in friendly countries, there is a danger that human rights policy might highlight and punish human rights violations in those countries while in effect giving unfriendly countries immunity. Moreover, a nation that came to display a general pattern of undermining or estranging friendly governments would obviously limit its future influence over them, including its influence over their human rights behavior. On the other hand, countries where we have little access and leverage include many countries which both restrict the human rights of their citizens and resist strongly any foreign effort to influence the situation. As an extreme example, a representative of Iran at the United Nations took the unprecedented step in 1984 of declaring that the Universal Declaration of Human Rights does not apply to them.

However, there appears to be growing acceptance, even among countries where human rights are not fully respected, of the validity of an international human rights agenda. Sensitivity to these annual country reports, for example, increasingly takes the form of constructive response, or at least a willingness on the part of the country concerned to engage in a discussion of its human rights image. Many countries which are strong supporters of human rights have, like us, established offices specifically responsible for international human rights policy. It is also noteworthy that in 1985 the thirty-five nations, East and West, who signed the Helsinki Final Act of the Conference on Security and Cooperation in Europe will gather in Ottawa for a Human Rights Experts Meeting in May and again in Budapest in October for a Cultural Forum which will also be devoted significantly to discussing human rights. (See Appendices A and B for a fuller discussion of our human rights policy.)

## International Institutions for the Protection of Human Rights

In line with the theme set early in the Reagan Administration, the United States has continued to insist in international forums on a policy of evenhandedness in dealing with human rights violations throughout the world.

The ~~40th sess~~ion of the U.N. Human Rights Commission (UNHRC) met in Geneva to consider, among other items on its agenda, the problem of human rights violations in Poland. However, unlike the two previous years, the Commission failed to extend the mandate of the Secretary General's special representative on Poland. It voted, instead, to postpone consideration of the resolution to continue the inquiry into the human rights situation in Poland until the Commission's 1985 session.

Nevertheless, on other issues, particularly Iran, Grenada, Nicaragua, Afghanistan and Cambodia, the Commission voted in ways which recognized the need for greater evenhandedness and fairness in dealing with human rights situations throughout the world. Two resolutions dealing with Grenada and Nicaragua which unfairly criticized the United States Government were moderated during the Commission session. In each case, the Commission members approved moderate substitute resolutions by consensus.

In addition, the Commission adopted over strong Soviet opposition two resolutions on Afghanistan (one calling for appointment of a Rapporteur), and one on Cambodia. On the question of Iran, the Commission voted to appoint a Special Rapporteur to "make a thorough study" of allegations of human rights abuses in Iran, following reports of summary and arbitrary executions, torture, detention without trial, religious intolerance and persecution, and the lack of an adequate judiciary.

The agenda for the 40th session of the Commission included the customary large number of items, most of them carry-overs from previous sessions. Several of these items have been the subject of repetitive resolutions by the Commission. These included items relating to human rights in Israeli-occupied territories, human rights in Chile, El Salvador, Bolivia, and Guatemala, human rights in South Africa, and a general item relating to the realization of "economic human rights" and a "right to development." The United States Government continues to be troubled by the Commission's emphasis on the "right to development," which the United States is not prepared to recognize as a basic human right, as well as its treatment of questions dealing with apartheid and the Middle East. In general, the Commission remained critical of human rights conditions in Latin America, criticizing Chile and Guatemala in the public session, in addition to the resolution on El Salvador. As had occurred during the 39th session of the United Nations General Assembly (UNGA), a double standard, which focuses solely on certain countries, and a partisan treatment of human rights questions often characterized the Commission's deliberations.

The General Assembly's Third Committee (Social and Humanitarian Affairs) voted on issues regarding, among others, racial discrimination, human rights in El Salvador, Chile, and Guatemala, Middle East issues, and self-determination. United States efforts served primarily to moderate excesses and to provide a forum for articulating the beliefs of the Administration, including emphasis on the hypocrisy of current double standards, discrimination against Latin American countries, and general indifference to violations by the Soviet Union and its Communist allies.

On the question of El Salvador, the United States was heartened by a resolution adopted December 7 after lengthy negotiations. Although it was not a draft we could support, because it interfered with the rights of sovereign nations regarding military assistance, among the positive results of this effort were the strong initiative in support of a draft resolution favorable to President Duarte's reform program; a considerably improved final text compared with past years; and a more balanced UNGA debate and outcome which should contribute toward further progress during the session of the UNHRC in 1985.

Adoption of a convention against torture provided the highlight of the 39th UNGA. On December 10, 1984 (Human Rights Day), the UNGA decided by consensus to adopt and open for signature a Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The final text of the convention is identical to the draft convention submitted by the UNHRC following seven years of negotiations, except for revisions to Articles 19 and 20 (concerning implementation) and a new Article 28 which expressly provides that States can make reservations about Article 20 at the time of ratification. Proponents of the convention achieved a key objective by avoiding the creation of a formal UNGA working group sought by convention opponents such as the USSR, which had the potential of burying the draft convention for several years and resulting in a significantly inferior text. Ambassador Richard Schifter, Alternate United States Representative to the 39th session of the UNGA, in remarks made on December 10, 1984, expressed the pleasure of the United States Government in joining consensus. Ambassador Schifter added that, although the compromise text limits the implementation mechanism of the Convention,

> In the final analysis, however, it is the states members of the international community which are morally responsible for implementing the existing prohibition against torture and other forms of ill-treatment. We hope that the convention just adopted will help mobilize the political will of states to end the resort to torture as an accepted practice of law enforcement agencies.

On that same day, December 10, 1984, the United Nations General Assembly celebrated the 36th anniversary of the Universal Declaration of Human Rights, and President Reagan, in signing his annual Human Rights Day Proclamation, took the opportunity to reaffirm American commitment to the international standard set by the Universal Declaration.

# EXPLANATION OF STATISTICAL TABLES

This report contains tables listing the amounts of U.S. bilateral assistance and multilateral development assistance provided for the fiscal years of 1982, 1983, and 1984. The tables appear at the end of the description of human rights conditions for each country which received such assistance during those fiscal years. In general, loans are reported as of the fiscal year of authorization and grants are reported for the fiscal year of obligation. Food for Peace commodities financed by grants under Title II of P.L. 480 are reported by dollar amount shipped during the fiscal year.

Data for AID for 1984 loans and grants are as indicated in the FY 1986 Congressional Presentation. All other data are as presented in "U.S. Overseas Loans and Grants and Assistance from International Organizations" (The Green Book).

U.S. bilateral assistance figures are broken down by two basic categories.

I) Economic Assistance

II) Military Assistance

For each category, the overall amounts are further broken down in two ways: first, to indicate the amount of aid provided in the form of loans and grants; and second, to indicate the amount provided under various programs (e.g., AID, Food for Peace, etc.).

In addition, the tables list the amount of loans (not generally considered "assistance") made by other U.S. government sources and the amounts committed by international agencies, such as multilateral financial institutions and United Nations agencies.

The 1984 statistics do not include Export-Import Bank figures, which were unavailable at the time of printing. Tables in which these loans would have been the only statistics reflected have therefore been omitted.

Key Abbreviations

1) U.S. Economic Assistance

Sec. Supp. Assist.

Security Supporting Assistance (also known as Economic Support Fund)

Repay. In $-Loans

Assistance in the form of loans repayable in U.S. dollars

Pay. In For. Curr.

Assistance in the form of loans repayable in foreign currencies

E. Relief Ec. Dev. & WFP

Economic Relief, Economic Development, and World Food Program

Vol. Relief Agency

Assistance channeled through voluntary relief agencies

Contr. to IFI

Contributions to international financial institutions

### 2) U.S. Military Assistance

MAP Grants

Grants provided under the Military Assistance Program

Credit Sales - FMS

Credits provided under the Foreign Military Sales Program

Intl. Mil. Ed. Trng.

Grant aid provided under the International Military Education and Training (IMET) Program

Tran-Excess Stock

Equipment provided as Excess Defense Articles

### 3) International Agencies

IBRD

International Bank for Reconstruction and Development (World Bank)

IFC

International Finance Corporation

IDA

International Development Association

IDB

Inter-American Development Bank

ADB

Asian Development Bank

AFDB

African Development Bank

UNDP

United Nations Development Program

Other UN

Other United Nations Program

EEC

European Economic Community

N.B. Assistance totaling less than $50,000 in any one category is not shown in the tables.

# AFRICA

## ANGOLA*

The People's Republic of Angola is ruled by a small group of officials within a single political party, the Marxist Popular Movement for the Liberation of Angola (MPLA). President Jose Eduardo dos Santos is both head of state and chief of the party. The MPLA has established a one-party state with restrictions on freedom of expression and political opposition. All major policy decisions are made by the party Central Committee and Political Bureau. The intensification and expansion of fighting between the MPLA and the opposition National Union for the Total Independence of Angola (UNITA) to most areas of Angola accelerated the deterioration in respect for human rights through increased civilian casualties and disruption of the society in 1984.

At independence on November 11, 1975, the three major opposition groups which had fought Portuguese rule were engaged in a bloody civil war, marked by the intervention of both Cuban and South African forces. With Cuban and Soviet assistance, the MPLA succeeded by early 1976 in ousting the two rival movements from Luanda, the capital, and took power. Both rival groups, the National Front for the Liberation of Angola (FNLA) and especially UNITA, have continued to wage guerrilla warfare against the MPLA. UNITA apparently has the allegiance of a substantial portion of the population, has steadily expanded the scope and level of its military operations (it controls approximately one-third of Angola's territory), and has extended guerrilla operations from the southeast into northern and western Angola. UNITA has publicly stated that it favors a government of national unity and has not sought to establish an alternate government. In addition to UNITA and the FNLA, the separatist Front for the Liberation of the Enclave of Cabinda (FLEC) continued during 1984 to conduct sporadic guerrilla operations in Cabinda.

An estimated 30,000 Cuban combat troops support the MPLA forces in their operations against UNITA, including at strategic locations in central and southern Angola. The MPLA and UNITA, which have different ethnic bases of support, compete for the allegiance of civilian populations through both persuasion and intimidation and have accused one another of atrocities against civilians. Civilians are also caught in the middle of hostilities between the Southwest Africa People's Organization (SWAPO--a Namibian resistance movement with bases in Angola) and South Africa, which controls the territory of Namibia on Angola's southern border. SWAPO and South African forces have conducted military operations against each other in southern Angola. During 1984 South Africa occupied a salient in Cunene province in southern Angola, but has since agreed to a process of withdrawal.

The intensified civil war has resulted in large numbers of displaced persons in central and southern Angola and has severely disrupted the economy and government administration. The low prices of oil and diamonds, the two principal sources of Angola's revenue, and disruption in food production and transportation infrastructure caused by the hostilities, have exacerbated this serious economic situation. The intensified civil war has forced the Government to devote an even larger portion of its financial resources to the military. Both the MPLA and UNITA have made efforts to provide humanitarian assistance to the displaced persons.

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*The United States does not maintain diplomatic relations with the People's Republic of Angola and thus has no diplomatic personnel on the spot to monitor human rights conditions or to evaluate allegations of abuses.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

The intensified civil war in Angola has resulted in numerous allegations that MPLA, UNITA, and South African forces have killed civilians and that the MPLA and UNITA have executed political prisoners. While there is little specific substantiation of the various claims and counter-claims, circumstantial evidence indicates that all the parties have on some occasions arbitrarily executed prisoners.

The fighting has also resulted in hundreds of civilian deaths. Some of these deaths were inadvertently caused by military operations, but others have been deliberately perpetrated by the opposing forces in order to intimidate civilian populations. Roads are mined in many places, and civilians have died as a result of guerrilla actions, such as attacks on trains. There are no reliable casualty figures. UNITA and the MPLA have both publicly and repeatedly accused each other of practicing terrorism against their respective supporters, including killing or maiming civilians. UNITA has charged that Cuban and Angolan forces have attacked civilians. No conclusive evidence exists to substantiate these claims and counter-claims.

#### b. Disappearance

There is no information to confirm that abductions, secret arrests, or clandestine detentions are practiced by the MPLA security agencies, or by UNITA, although both sides have accused each other of such practices. Amnesty International reported in its 1984 report that it was continuing to investigate the disappearance of political prisoners arrested in 1977 and 1978 by the MPLA authorities.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There have been persistent allegations of torture and mistreatment in Angolan prisons, but information is insufficient to determine the extent to which torture is practiced by the police, security services, and armed forces.

The prisons are overcrowded, with substandard diet and sanitation, but these conditions seem to reflect the poor state of the economy rather than deliberate maltreatment. Some reports have alleged that foreigners are not well treated, but Americans who have been imprisoned in Angola have been relatively well treated and have had access to available medical care.

Prison authorities reportedly have wide latitude in the treatment of prisoners. Treatment of political prisoners at the prisons controlled by the Ministry of State Security reportedly is harsher than treatment in the regular prisons. Mistreatment reportedly includes solitary confinement, confiscation of personal effects, physical intimidation, including beatings and threats, and prolonged interrogation with the use of force. Prison visits appear to be arbitrarily restricted in many instances. Foreign advisers, including Cubans and East Germans, are involved in assisting the MPLA security services and may be involved in helping to run state security prisons. State security detention centers are scattered throughout the country, and very little information is available on conditions at these facilities. Captured UNITA supporters have been put on public display by the MPLA.

There is very limited information available on the situation and administrative structure within the UNITA-held areas. Hence it is not possible to comment on UNITA practices in much of this report. It is known, however, that UNITA holds a number of foreign and MPLA prisoners, captured in the course of military operations, in makeshift facilities in its areas of control in southeastern Angola. There are no reports that UNITA has mistreated foreign or MPLA prisoners. During 1984 UNITA cooperated with the International Committee of the Red Cross (ICRC) in releasing foreign prisoners it held. None of those released alleged that they had been mistreated.

### d. Arbitrary Arrest, Detention, or Exile

Two of the most persistently and frequently reported charges of human rights violations have been arbitrary arrest and imprisonment without due process. Numerous reports allege that individuals are arrested and imprisoned on suspicion or denunciation by others and, in some cases, held for years without being notified of the charges against them.

Under Angolan law, persons suspected of committing serious acts against the security of the state may be held by the Ministry of State Security without charge for an initial period of three months, renewable for a further period of three months. Such detainees need not be presented to a judge within 48 hours of their arrest, as otherwise stipulated in the code of criminal procedure, and apparently have no right to challenge the grounds of their detention by invoking provisions of the code concerning habeas corpus. After six months' detention without charge, the detainee is supposed to be informed of the accusations against him, with the state security service either informing the public prosecutor of the case against the suspect or releasing him. Once the case is presented to the public prosecutor, there does not appear to be a specific time limit within which the suspect must be brought to trial. Many political prisoners have reportedly been held for years without being tried. The exact number of political prisoners is not known.

The deterioration of the security situation has contributed to abrogation of judicial safeguards and due process. In 1983, the MPLA established regional military councils throughout much of Angola. The councils, responsible directly to President dos Santos, have the authority to restrict the movement of people and goods, as well as to requisition people and goods without compensation, and to try crimes against the security of the state. This was followed by creation of "people's vigilance brigades" for urban areas. The powers of the vigilance brigades are not clear, but they are tasked with general administration and "protecting the people and ensuring public order and stability."

### e. Denial of Fair Public Trial

The Constitution states that no citizen shall be arrested and brought to trial except under the terms of the law and guarantees the right of the accused to defense, but there is insufficient evidence to determine to what extent these rights exist in practice. Amnesty International has expressed concern that defendants may not have been given adequate opportunities to defend themselves and often appeared to have received little real assistance from legal counsel during their trials. The right of appeal exists in some cases, but it is not known whether this provides a practical safeguard for the accused. Judicial lines of authority are unclear, especially since the new regional military councils have been given responsibility for the trial of offenses against the security of the state, including "economic crimes." It is not known which trials are public and under what rules of procedure the various military and civilian courts operate. The Constitution provides for a People's Supreme Court, but its jurisdiction is not known.

In October a number of sentences were handed down in a case involving diamond smuggling and espionage which had received wide public attention both inside Angola and internationally. In the instance of the one death sentence (later commuted to six years imprisonment), the Government's case was based, at least partly, on highly questionable evidence and the defendant was apparently not given adequate opportunity to defend himself.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Although the Constitution guarantees the inviolability of the home and privacy of correspondence, arbitrary searches of homes have been alleged, and there is some interference with private correspondence, either through censorship or interruption of delivery of mail.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The Constitution guarantees freedom of expression "in the context of the achievement of the basic objectives of the People's Republic of Angola." Censorship exists and the Government runs the media. Opposition views are not aired. The prominent Angolan writer Fernando Costa de Andrade Ndunduma was arrested in late 1982 and is still being detained for "improper use of the right of criticism" because he wrote and had performed a play critical of the President.

The Government is especially sensitive to criticism in the foreign press. Angola has since independence in 1975 restricted the travel of foreign correspondents to Angola and has occasionally expelled foreign reporters, e.g., an Agence France Presse reporter was expelled in mid-1983. Angola, together with the other "Front Line" States, endorsed the Kadoma Declaration in July 1983, banning the travel of South Africa-based correspondents to the Front Line States. The circulation of Western journals and periodicals in Angola is tightly restricted.

### b. Freedom of Peaceful Assembly and Association

Freedom of assembly is denied to any political group or movement other than the MPLA. All other political movements have been banned. The Angolan media frequently announce the arrest of UNITA sympathizers. There are numerous unconfirmed reports of arrests of people who voice support of opposition movements or alternative political systems. The recently established people's vigilance brigades and martial-law climate throughout the country tend further to restrict freedom of assembly and association.

The only trade union movement in Angola is the National Union of Angolan Workers, which is controlled by the party and is a member of the continent-wide, Ghana-based, Organization of African Trade Union Unity. Traditional labor union activities and rights are tightly controlled by the Government. Strikes are prohibited by law as a crime against the security of the state. In 1984, the Angolan Government was cited by the International Labor Organization (ILO) in Geneva for being in violation of ILO Convention 105, which prohibits forced labor. The basis of this citation is Angolan legislation, still in force, which provides for the imposition of penal sanctions involving compulsory labor for breaches of labor discipline and participation in strikes.

### c. Freedom of Religion

Although the Constitution guarantees the inviolability of freedom of conscience and belief and provides for separation of church and state, the MPLA publicly emphasizes the importance of propagating "atheism" and has been critical of religious activities. The overwhelming majority of the Angolan population is Christian, however, and the MPLA has not moved to close down churches. Church services are regularly held and there is widespread attendance. Foreign and Angolan missionaries are allowed to carry out activities. Reportedly, UNITA allows religious liberty in the areas it controls and in which it operates, but obviously the ability of religious personnel to carry out activities in Angola has been circumscribed by the intensification of the civil war.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

As a result of the intensification of the civil war, the Government is acutely security-conscious and has tightly restricted travel. Travel by road in most areas of Angola is dangerous. There is a pass system within Angola, and foreigners are generally prohibited from traveling outside the principal cities. The regional military councils are empowered to restrict the movement of people and goods. UNITA has publicly warned that it considers all of Angola to be a war zone and that it cannot guarantee the safety of persons traveling there.

Angolan citizens are allowed to travel abroad, but this travel is carefully controlled by restrictions on passport issuance and exit visas, and by currency restrictions. Emigration is restricted. The Government limits travel to Angola through a selective and stringent visa policy.

## ANGOLA

Angola is a signatory to the U.N. Protocol Relating to the Status of Refugees and has allowed refugees to enter Angola. There are approximately 70,000 Namibian, 20,000 Zairian, and 6,000 South African refugees in Angola. Since mid-1980, between 120,000 and 150,000 former Zairian refugees in Angola returned home under the auspices of the U.N. High Commissioner for Refugees.

The Government has offered amnesty to members of the opposition FNLA and claims that a large number of FNLA adherents and their families have surrendered to MPLA authorities, most recently at the end of September. It is not known how former FNLA leaders have been treated, but there have been some reports of the arrest and harassment of former FNLA sympathizers who have returned to Angola. Both as a result of fear of persecution and as a result of flight from hostilities, approximately 200,000 Angolans have taken refuge in Zaire since 1975, and an estimated 73,000 have taken refuge in Zambia. There have been indications in the past that the Government was pressing for the forcible repatriation of Angolan refugees in Zambia who are UNITA sympathizers, but this has not taken place; however, the Government cooperated in the repatriation of several planeloads of Angolans in early 1984. Of the 400,000 Angolans who have left the country since independence, the Government claims that 180,000 have returned, but this claim cannot be verified.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Angola is ruled by a small group of officials within the party apparatus of the ruling Marxist-Leninist MPLA. The Constitution provides for popular participation in the political process, but the MPLA is the only legal party, and activities by all opposition groups have been banned. Citizens, therefore, do not have the right to change their government.

In effect, political activity is limited to participation in the party or to one of its controlled and sanctioned organizations such as its youth wing, the Angolan Women's Organization, or the trade union movement. The Government has established political institutions consistent with its ideology, with political power centered in the 11-member Politburo and 65-member Central Committee. Party membership is very restricted, with under 30,000 members out of a population of 7 million, according to the MPLA media. The Constitution provides that the popularly-elected national People's Assembly, established in 1981, is the supreme organ of state power. There are also people's assemblies at the provincial and local level. Only candidates chosen and endorsed by the party are elected to the people's assemblies, and key members of the party also hold leadership positions in the people's assemblies. The people's assemblies endorse measures proposed by the party at the national and local levels.

Angolan citizenship is denied to individuals who claim another nationality or who have committed homicide, opposed the "liberation struggle," or joined clandestine organizations opposed to the "decolonization process." Citizens 18 years of age or older are entitled to vote and hold office.

## ANGOLA

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

Amnesty International stated in its 1984 report that it is concerned about the imprisonment of people for criticizing government policies or officials, long-term detention without trial, unfair political trials, and mistreatment of prisoners. Amnesty International has adopted the imprisoned writer Ndunduma as a prisoner of conscience, and claims to be aware of other long-term detainees accused of supporting opposition movements. Amnesty International has also appealed for commutation of death sentences imposed by the People's Revolutionary Tribunal and military courts, and has issued a report concerning its continuing concerns regarding extra-judicial executions and disappearances during 1977-1978.

The International Committee of the Red Cross (ICRC) has helped arrange the release of foreign nationals held by UNITA and has occasionally been allowed to visit prisoners held by UNITA. The MPLA has not allowed the ICRC to visit political prisoners. The MPLA has allowed the ICRC and United Nations International Children's Emergency Fund (UNICEF) to operate in areas it controls, and UNITA allows the ICRC to operate in areas it controls or is contesting. Freedom House rates Angola "not free."

### ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The MPLA has established as its goal the transformation of Angola into a "socialist" economy, and the major sectors of the economy--oil, diamonds, and banking--have been nationalized. The right to private property is, however, guaranteed by the Constitution, and a small portion of the economy, mainly in the agricultural sector, still operates under private ownership.

Although Angola is potentially one of the richest countries in Africa, its economy has been severely damaged as a result of this transformation in the midst of civil war, with attendant dependence on Communist-country support and disruption of agricultural production, plus the decline in the prices of oil and diamonds, its two principal sources of revenue, and by the exodus of skilled manpower. The intensification of the fighting has devastated the country's infrastructure and has forced the Government to divert most of its assets to the military. It has made virtually impossible further economic development, except the exploitation of offshore oil resources which UNITA has not attacked to date.

Payments to the Eastern bloc for military equipment and for the Cuban combat troops have become a heavy burden on the economy. Although thousands of civilian Cuban and East European advisors are working in technical and professional positions, Angola still faces a critical shortage of skilled manpower. Of the approximately 500,000 Portuguese residents prior to independence, only 30,000 remain. UNITA's declared policy of targeting economic installations and its warning that foreigners working in Angola do so at their own risk have exacerbated the general economic problems.

Some 200,000-500,000 persons in central, eastern, and southern Angola have been displaced from their homes as a result of the combination of civil strife and drought. They are suffering from severe malnutrition and, in numerous cases, starvation. Many rural inhabitants have abandoned the countryside to seek food and safety in urban areas, such as Luanda, which have been overwhelmed by the influx. As a result of the rural exodus, crops are not being planted. There are severe food shortages in urban areas, and public services are severely taxed.

In these circumstances, during 1984 the MPLA continued efforts to obtain food assistance from Western countries and various international organizations. A number of Western countries provide economic and technical assistance. ICRC and UNICEF are playing key roles in distribution of humanitarian food and medical assistance, including in UNITA-held areas.

Available data highlight the poor quality of life. The population growth rate is 2.7 percent, with high infant mortality of 145.4 per 1,000 live births, and life expectancy at birth of only 43 years. Health care is available to no more than a small fraction of the total population. Gross national product per capita in 1982 was approximately $939, but this reflects the oil revenues from the Cabinda field and has little meaning to the bulk of the population in the midst of civil war. The Government has concentrated efforts on improving the educational system, and there is a high level of enrollment in primary schools in non-combat areas. The current literacy rate is estimated at about 30 percent.

Women participate in the MPLA, not only in the Angolan Women's Organization, but also in the higher levels of the party. Social, cultural, and traditional factors tend to limit the participation of women at the highest level of the party. Three members of the Central Committee are women.

Both the MPLA and UNITA have primarily ethnic bases of support--the MPLA among the Kimbundu, and UNITA among the Ovimbundu. While they have worked with mixed success to broaden popular support, both groups show political favoritism towards their own ethnic group. There are no formal ethnic or racial restrictions on participation in the political process, and whites and mesticos occupy a number of high-level positions within the MPLA.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: ANGOLA

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 2.3 | 1.1 | 2.7 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 2.3 | 1.1 | 2.7 |
| A.AID ................. | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 2.3 | 1.1 | 2.7 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 2.3 | 1.1 | 2.7 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 2.3 | 1.1 | 2.7 |
| E.RELIEF.EC.DEV & WFP. | 2.3 | 1.1 | 2.7 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 2.3 | 1.1 | 2.7 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 2.3 | 1.1 | 2.7 |
| OTHER US LOANS.......... | 0.0 | 45.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 45.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 2.8 | 16.0 | 31.7 | 72.5 |
| IBRD | 0.0 | 0.0 | 0.0 | 0.0 |
| IFC | 0.0 | 0.0 | 0.0 | 0.0 |
| IDA | 0.0 | 0.0 | 0.0 | 0.0 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 14.8 | 31.7 | 46.5 |
| UNDP | 2.8 | 1.2 | 0.0 | 16.9 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 9.1 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## BENIN

Benin obtained its independence from France in 1960 and experienced numerous changes in government until 1972 when the Beninese army intervened in a coup which brought President Mathieu Kerekou to power. Subsequently, the new leaders initiated a Marxist-Leninist government with a single political party, the People's Revolutionary Party, and introduced a new Constitution (1977). The party is directed by a small leadership group, in which the influence of the military remains important.

Continuing political tensions during the mid-1970's had a chilling effect on the exercise of both political and personal liberties. The Government arrested a number of persons for opposing government policies of social and political transformation. In January 1977, an unsuccessful attempt to overthrow the Kerekou Government initiated a period of intense suspiciousness toward both foreigners and domestic critics. In recent years, however, as the Government has consolidated its authority, tolerance toward divergent political views has increased.

Consistent with this trend, the Government on August 1, 1984, declared an amnesty for all political prisoners except those implicated in the January 1977 coup attempt. Eighty-five prisoners, some of whom had been held since 1973, were released under the amnesty. According to government sources, only three persons, all charged with involvement in the 1977 coup attempt, remain in detention.

With an annual average per capita income of $326, Benin ranks statistically among the world's poorest countries. The majority of its population depends upon subsistence agriculture and small trade for its livelihood. At the same time, despite steady population growth, Benin remains a net exporter of agricultural produce. Government policy has given priority to expanding agricultural production. Owing to the mixed experience in recent years with large, state-owned corporations, the Government has also given new emphasis to the encouragement of small private enterprises. Benin's active private commercial sector has traditionally played a strong role in the economy and has been little affected by the change of political orientation.

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

There were no reported cases of political killing by the Government in Benin in 1984.

#### b. Disappearance

There were no reports of disappearances or secret arrests in 1984.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There were no reports in 1984 alleging torture or cruel and unusual punishment of prisoners or detainees. Prison facilities and conditions in Benin are poor, and overcrowding and poor sanitation are common complaints. Friends and relatives are expected to provide food for prisoners. Allegations of torture in previous years have been made to Amnesty International and other human rights organizations, primarily on the basis of reports received from Beninese living abroad. Instances of physical and psychological abuse undoubtedly occur; and there is one report that some political prisoners released in the August 1, 1984 amnesty had suffered injury or illness during incarceration. There have been no reports of discrimination against prisoners because of sex, religion, or national origin.

### d. Arbitrary Arrest, Detention, or Exile

The Beninese Constitution states that no citizen can be arrested without a decision from an established judicial body. In practice, persons have been detained indefinitely at the discretion of the Government, without recourse to legal assistance or a judicial hearing. In the past, many arrests occurred during periods of high political tension. Although arrests are not publicized, no special attempt is made to keep them secret. According to official sources, 6 persons were detained for alleged political offenses in 1984; 26 in 1983.

In the general amnesty of August 1, 1984, the Government released a number of students arrested in 1979 and 1980 for demonstrating against the Government. These students had been the subject of appeals by various governments and international human rights agencies.

According to official reports, only three persons remained in detention on political charges after the August 1 amnesty; all are charged with involvement in the 1977 coup attempt. There are reports that four other persons were "re-arrested" after the amnesty, but these are individuals who had either fled the country prior to sentencing, or had escaped from prison.

### e. Denial of Fair Public Trial

Benin's judicial system, largely inherited from the French, is allowed to function independently in all but sensitive political cases. In such instances, defendants may or may not be permitted legal counsel or granted a public hearing. In recent years, the Government has relied principally upon the established civilian court system, known as the "People's Courts," which are presently organized at the provincial and national levels. The highest court of appeal is the Central People's Court.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution affirms the inviolability of the home and requires that a warrant be obtained from a magistrate before the police may enter a private residence. For the most part, this constitutional right to privacy is respected. However, unauthorized or forced entries are occasionally alleged, especially in cases considered politically sensitive or threatening by the Government. Petty corruption by functionaries also poses a potential threat to certain personal rights, such as protection against illegal search and seizure. Allegations that police and security officials monitor telephone and mail service to suspected persons remain unconfirmed but cannot be dismissed.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Virtually all of the media in Benin are owned and operated by the Government. This includes the one daily newspaper, as well as the sole radio and television stations. The media carry only those stories and views that are approved by or serve the interests of the party and the Government. While the Government has been prepared to tolerate criticisms of specific actions, public opposition to the Government itself, or its basic policy orientations, is not permitted. Apart from the government-owned media, two private journals are published in Benin: one by the Catholic Church dealing primarily with religious and social news; the second a monthly magazine of African news and opinion aimed primarily at a regional audience. The latter deals regularly with political topics. Both presumably exercise prudence in treating sensitive issues or views. Neither has been the object of direct government censorship or interference. There have been no reported efforts to censor or prohibit the receipt of publications from abroad. No attempt is made to interfere with the reception of foreign radio broadcasts, which are widely listened to. Discussion and debate at Benin's National University is wide-ranging and uninhibited. In recent years contacts and partnerships with foreign academic institutions have been encouraged.

### b. Freedom of Peaceful Assembly and Association

Public meetings are allowed, but all meetings of a political nature must be sponsored by the single party. A number of social, service, and professional organizations (including Lions and Rotary) exist and maintain active international affiliations. In the immediate post-independence period, labor unions, which still represent less than five percent of the labor force, exercised important political and economic influence. Under the present Constitution, labor unions are organs of the party and Government, and are unified under a national organizational umbrella confederation, the National Confederation of Workers' Unions (NCWU). Local unions do have the right to bargain and negotiate with individual employers, obliging the Government to act as arbiter as necessary. The right to strike is not guaranteed under the 1977 Constitution, and strikes are not condoned by the Government. Such labor actions as do occasionally occur usually take the form of work stoppages to protest specific grievances, e.g. late salary or scholarship payments. The NCWU is a member of the continent-wide Organization of African Trade Union Unity, based in Accra, and of the World Federation of Trade Unions based in Prague.

### c. Freedom of Religion

Benin is a religiously diverse society embracing some 40 different faiths, including Islam, Christianity, and traditional religions. Adherence to a particular faith does not confer any special privilege or status. With the exception of one group, Celestial Christianity, which has been declared illegal by the Government, no restrictions are placed on religious ceremonies or teachings. Religious conversion is freely permitted. A number of international religious missions have operated for many years in Benin with the authorization of the Government.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Domestic movement is not restricted. Passport and exit permission are required for travel to countries beyond the West African region, but obtaining these does not present unusual problems. Economic rather than governmental constraints constitute the principal obstacle to travel outside the region. Emigration is a way of life, and many Beninese have gone to neighboring countries in search of employment. The Government encourages Beninese abroad to return home to contribute to the country's development.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Leadership is exercised by President Kerekou and a small group of senior officials, many of whom also hold positions in government. The electoral process allows for citizen participation in the nomination of candidates for the National Revolutionary Assembly, in theory the principal decision-making body of the Government. Party membership is not a requisite for participation in this process or for high office or civil service employment. The final selection of candidates for the single national slate, however, is made by the party leadership. No opposition parties or slates are permitted. The Assembly itself rarely takes issue with policies formulated by the political leadership. According to government figures, 93 percent of all eligible voters participated in, and voted for the national slate in the last assembly elections on June 11, 1984.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Government has traditionally regarded attempts to investigate human rights practices as interferences in its internal affairs. It has not responded officially to complaints previously brought by Amnesty International before the U.N. Commission on Human Rights regarding political prisoners and detainees. At the same time, government sensitivity toward both domestic and international criticism was probably a factor in the August 1984 decision to amnesty political prisoners, including a number of students. The 1984 Amnesty International Report noted the long detention of students and teachers. Also during the past year, regional representatives of the International Committee of the Red Cross have made several visits to Benin. Freedom House terms Benin "not free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Benin had an estimated annual per capita income of $307 in 1982. It is estimated that more than 80 percent of Benin's 3,894,000 people (1984) live in rural areas, where they are primarily engaged in subsistence agriculture; in 1979, it was estimated that 65 percent of the rural population fell below what was considered the absolute poverty line. The annual population growth rate is estimated at 3.1 percent, the infant mortality rate at 142.7 for every 1000 live births, and life expectancy at birth at 49.47 years (all 1984 estimates). Only 21 percent of the population had access to safe drinking water in 1979, comprising 52 percent of those living in urban areas, as opposed to only 16 percent of those in rural areas.

These statistics notwithstanding, Benin enjoys a relatively favorable climate and in most years has been able to produce more food than its population consumes. According to a 1977 estimate, calorie supply was 97.65 percent of requirements. The statistics also understate to some extent the country's actual income, much of which derives from informal trade with neighboring countries and is not reflected in official figures.

The Government has committed itself to a development strategy based on agricultural self-sufficiency and a more equitable distribution of income and social benefits. Over the last several years, 23 percent of the annual operating budget has been allocated for education, and 6 percent for health and other social services. This emphasis has been reflected in substantial improvements in both adult literacy and primary school enrollment figures. In 1980, the adult literacy rate was estimated at 27.9 percent: 39.8 percent for males, and 16.6 percent for females. In 1981, primary school enrollment was estimated at 67.36 percent of primary school-aged population: 93.8 percent of males, and 42.33 percent of females.

The Government's efforts to spur development through investments in large-scale state-owned agricultural and industrial projects have had disappointing results, in part due to external economic factors. As a consequence, renewed emphasis is being placed on the development of small-scale private enterprises in both farming and industry. A potentially serious constraint on the achievement of development plans is the incidence of corruption, a problem which the Government has acknowledged.

Benin's population comprises over 40 different ethnic groups. Exploitation of these differences in the past was cause of frequent political unrest and instability. The Government has made a commitment to eliminate discrimination on the basis of race, religion, or ethnicity. Historically women have played a major role in both agriculture and commerce. Constitutional guarantees of equal status for women have been supported by government policies. While there are currently no women in ministerial positions, a number of women hold executive level responsibilities in the Government, the National Assembly, and the party.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: BENIN (DAHOMEY)

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 2.3 | 1.6 | 3.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 2.3 | 1.6 | 3.0 |
| A.AID .................. | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 1.0 | 0.5 | 1.9 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 1.0 | 0.5 | 1.9 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 1.0 | 0.5 | 1.9 |
| E.RELIEF.EC.DEV & WFP. | 0.5 | 0.1 | 0.5 |
| VOL.RELIEF AGENCY..... | 0.5 | 0.4 | 1.4 |
| C.OTHER ECON. ASSIST... | 1.3 | 1.1 | 1.1 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 1.3 | 1.1 | 1.1 |
| PEACE CORPS...... | 1.3 | 1.1 | 1.1 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 2.3 | 1.6 | 3.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 2.3 | 1.6 | 3.0 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 49.1 | 20.5 | 38.6 | 388.2 |
| IBRD | 0.0 | 0.0 | 0.0 | 0.0 |
| IFC | 0.0 | 0.0 | 0.0 | 0.0 |
| IDA | 23.8 | 20.0 | 35.4 | 208.6 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 22.8 | 0.0 | 0.0 | 74.3 |
| UNDP | 2.5 | 0.5 | 0.0 | 25.1 |
| OTHER-UN | 0.0 | 0.0 | 3.2 | 9.4 |
| EEC | 0.0 | 0.0 | 0.0 | 70.8 |

## BOTSWANA

Botswana is a multi-party democracy, with constitutionally guaranteed universal suffrage for all persons 21 years of age and older. On September 8, 1984, some 227,000 citizens cast their ballots in the fifth general election since independence (1966). Voters selected representatives to the National Assembly from among candidates of five political parties which campaigned freely and without harassment. The constitutional rights of individuals in Botswana are protected by an independent judiciary. The police force and a small, well-disciplined army provide internal and external security. Botswana has made great strides in its 18 years of independence despite the minimal infrastructure inherited at independence, a dearth of skilled manpower, and severe climatic constraints imposed by insufficient rainfall.

Botswana encourages private enterprise and free trade. All citizens, including those whites who accepted Botswana citizenship, are free to participate in the economic and political life of the country. For the past several years, Botswana has been a haven for refugees from the political and military strife of neighboring countries. While the flow of refugees slowed during 1984, recent strife in South Africa and political maneuvering in Zimbabwe may lead to a further influx.

Botswana's human rights record is generally good. Citizens receive equal protection before the law; there have been no incidents of political violence; several women hold positions of importance in the public and private sector. Labor unions, however, are kept under close surveillance by the Government.

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

There have been no such instances in Botswana.

#### b. Disappearance

The Botswana Constitution provides for the protection of personal liberty. There have been no allegations of secret arrests or clandestine detentions in Botswana.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The government-owned newspaper reported the trial and sentencing of a policeman accused of beating a suspected criminal. Recently, the newspaper reported that a criminal suspect had alleged that police investigators had tortured him in the process of attempting to elicit a confession. An American citizen arrested on the charge of car theft also alleged that he had been tortured by the police; a police investigation of the incident concluded that there was insufficient evidence to support the allegation. The American citizen was declared a prohibited immigrant upon being found guilty of the criminal charge and has since left Botswana. While beatings of prisoners apparently occur occasionally, they do not appear to be a regular or government sanctioned practice.

Prisons are crowded but appear to provide an adequate diet, health care, and visits from family members. Flogging is permitted for infractions of prison rules. A law making flogging mandatory for certain criminal offenses (rape, attempted rape, armed robbery, burglary, housebreaking, and related offenses) was upheld by the High Court in December 1983. Tribal courts, presided over by a chief, in which jurisdiction is limited to minor offenses, may also sentence individuals to be flogged. No summary executions have occurred.

### d. Arbitrary Arrest, Detention, or Exile

The Botswana Constitution contains provisions protecting citizens from arbitrary arrest. There are no political prisoners in Botswana, and preventive detention is illegal. There is a requirement that the police bring a suspect before a magistrate for charging within 48 hours of his arrest. Suspects must be released after 48 hours unless the magistrate issues a warrant of detention which is valid for 14 days. Every 14 days, the police must appear before the magistrate and show they are making progress in the case. To date, there have been no known instances of abuse of this system.

### e. Denial of Fair Public Trial

The right of a fair public trial is provided by law and is honored in practice. Defendants are entitled to counsel; consultation between defendants and counsel may be held in private. The judiciary is independent of the executive and military. The High Court has ruled that one may not be compelled to testify against oneself. Silence cannot be construed as guilt, and the burden of proof remains with the prosecution. All trials are held in public. Provisions exist for conducting closed hearing trials relating to security cases, but the High Court exercises oversight. Earlier this year, the police received a rebuke from the High Court for insisting that a member of its Special Branch be tried in camera on the charge of being on the payroll of a foreign country. The High Court heard the accused's appeal but upheld his conviction and the sentence (two years imprisonment).

There are no special courts to deal with security or political offenses. Although the Botswana Defence Force Act provides for military courts, none as yet has been established, and cases over which the military has jurisdiction are referred to the Attorney General and the civilian court system. Problems in the administration of justice center mainly on the difficulty of recruiting sufficient numbers of qualified judicial personnel and court reporters.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

These rights are safeguarded by law and respected in practice. A search warrant issued by a magistrate is required for an official to enter a private residence, except in cases of suspected diamond theft or drug trafficking. There have been no reported instances in which this authority was used during the past year.

## BOTSWANA

### Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Freedom of speech and the press are guaranteed by the Constitution and are respected in practice. The government-owned daily newspaper (English and Setswana) impartially covered the statements of opposition parties and aired the views of opposition candidates during the recent election campaign. A privately-owned weekly paper (English only) published a wider range of news, including articles--not always laudatory--on public figures. Botswana has signed the Kadoma Declaration, which bans entry of journalists based in South Africa. However, the Government has not taken any active steps to implement the resolution nor to hinder the movement of any journalists in their efforts to collect information or report on events.

During the recent political campaign, opposition leaders protested that the Government was discriminating against them by taping public speeches of their candidates, but not those of the ruling party's candidates. The Government responded that the Constitution gave the right to tape political speeches, but thereafter conspicuously taped the speeches of all candidates. In one case, the Government alleged that a candidate had incited the military to overthrow the Government; the High Court dismissed the case for lack of sufficient evidence.

### b. Freedom of Peaceful Assembly and Association

Freedom of assembly is a well-established tradition in Botswana exemplified in the Kgotla, a communal meeting, similar to a New England town meeting, where citizens freely question leaders and voice opinion on local policies. During the recent political campaign, all the candidates, including the Vice President and cabinet ministers, were exposed to sharp questions from their constituents. Large gatherings require local police approval, which is routinely given. Demonstrations are permitted so long as order is maintained. Organizers are required to submit a detailed plan for any demonstration and are personally responsible for ensuring that the plan is followed.

Unions have the legal right to strike after exhausting established procedures, which require that the Government be invited to attempt to arbitrate the dispute. The last strike occurred in 1976. Unions have chafed under government regulations which prohibit the contribution of union funds from outside Botswana and require that all union leaders be full-time working members of the trade covered by their union, thus preventing employment of paid full-time union organizers. In May, the Government postponed a proposed election of the Botswana Federation of Trade Union (BFTU) officers on the grounds that the Government had not been advised sufficiently in advance of the elections; elections were held a month later. Unions associate freely with international organizations and members attend international conferences. The BFTU is affliated with the democratic oriented International Confederation of Free Trade Unions in Brussels, and is also a member of the Ghana-based Organization of African Trade Union Unity.

c. Freedom of Religion

Open practice of religion is permitted and encouraged. There is no state religion. While most residents identify themselves with Christian sects, active groups of Muslims, Hindus, Bahais, and others practice their faiths freely. Religious affiliation is neither an advantage nor disadvantage politically or socially. The Government has attempted to remain aloof from internal problems in various churches, particularly those which were founded as branches of South African churches. In recent years, some members have attempted to dissociate themselves from control of the South African mother church and establish an independent Botswana church. This has created problems of ownership of church property.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Botswana citizens are subject to virtually no restrictions on emigration or repatriation. Domestic and foreign travel is unrestricted as well. Passports, in general, are easily obtained. Refugees documented by the United Nations High Commissioner for Refugees (UNHCR) are generally required to live in the settlement at Dukwe in northern Botswana where conditions are relatively good, due largely to contributions from international donor organizations. Refugees may be authorized to live elsewhere for reasons such as employment or schooling. As with other foreigners in Botswana, refugees are not permitted to accept employment opportunities which could be filled by a citizen. As a result of allegations from some refugee-producing countries that refugees are using Botswana as a sanctuary while they involve themselves in anti-government activities in their home countries, the Government of Botswana has declared that any refugee found outside Dukwe without government permission will be considered to have abandoned refugee status and will be repatriated immediately. Indications are that the policy has been effective as a deterrent to questionable activities by refugees. While some reports allege that the Government of Botswana has returned a large number of bona fide refugees to their country of origin, there is no evidence that this has occurred in more than a few instances. At the end of 1983, 39 refugees involved in a major disturbance at the refugee camp were repatriated without following UNHCR procedures. Two South Africans and one Malawian have also been repatriated. Some refugees who leave Botswana on U.N. travel documents issued by Botswana encounter difficulties in returning.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

On September 8, 1984 adult citizens of Botswana (21 years of age and over) participated in their fifth free and democratic elections since independence in 1966. Five political parties competed in the election, although only two of them contested most of the 34 constituencies. Lack of financial resources and personnel prevented the other three from similar participation. An estimated 70 percent of eligible voters registered, and 86 percent of the registered voters actually voted. Voter turnout was the greatest since independence. No violent incidents occurred during the campaign or the election itself. No incidents of gross voting fraud have come to light. However, one of the opposition parties requested the

High Court to rule that one constituency election should be held again due to "irregularities." The High Court found in favor of the opposition and a new election took place December 1 for the constituency held by Botswana's Vice-President. Local newspapers, independent and government-owned, reported the speeches and campaign programs of all parties.

The political rights of women and minority groups generally are observed. There are two female members of Parliament, one of whom is also Minister of External Affairs. The other works as Executive Secretary of the majority political party. The one white member of Parliament is also a minister and the speaker of the National Assembly, a prominent businessman, is also white. Only the 50,000 Basarwa or "Bushmen" remain generally unrepresented in government and ignored. While the Government does not oppress them or deny them rights, including the right to vote, it does little to help or protect a minority whose way of life is changing rapidly due to recent economic development in Botswana.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

Botswana cooperates with international agencies concerned with human rights. Relations with the office of the UNHCR, the only international human rights organization active in Botswana, are friendly and open. There are no Botswana-based organizations set up to observe, report, or contest human rights violations. Although the Botswana Government consistently has responded promptly and forthrightly to the inquiries it has received about the human rights situation in Botswana, the UNHCR encountered initial difficulty obtaining information about the refugees repatriated in December 1983. The Government eventually cooperated and agreed to follow UNHCR procedures in the future.

As a thinly populated country surrounded by larger and more powerful neighbors, Botswana seldom comments publicly on alleged human rights violations in those countries. Botswana does join with other African governments in condemning apartheid in South Africa, however. Amnesty International stated in its 1984 report that there was not sufficient information available to include an entry on Botswana. Freedom House terms Botswana "free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

When Botswana became independent in 1966, its developed infrastructure was negligible and per capita gross national product (GNP) was estimated at only $69. In 1982, per capita GNP was $902 (World Bank data). The exploitation of mineral resources has helped bring about economic development and improve the economic and social welfare of the people. A third year of drought has created havoc in the agricultural and construction sectors of the economy, forcing the Government to spend heavily (about $25 million) on drought relief aid. The percentage of urban population with access to potable water increased from 71 percent in 1968 to 95 percent in 1975. Due to the difficulties of supplying potable water to Botswana's widely scattered rural population, it was estimated in 1975 that only 45 percent of the rural population had access to potable water. In 1977, it was estimated that 94 percent of the calorie supply required for Botswana's population was available in the country. Because of the drought, the country has become heavily dependent on imported foodstuffs, either purchased or donated. Life expectancy increased from 41.0 years in 1968 to 61.26 years in 1984.

Women hold approximately 24 percent of paid employment positions. An estimated 41 percent of central government employees are women, many of them in high-level positions. While there is little overt discrimination, statistics suggest that social custom elevates the rights and privileges of men above those of women. Some 40 percent of rural households (83 percent of the total population is rural) are headed by women, and generally their economic situation--access to capital, seeds, labor, and draft animals--is significantly worse than that of households headed by men. Women about to marry may choose civil marriage, in which all property is held in common, or customary marriage, which recognizes individual property brought to a marriage. Most women are not aware, however, of the implications of these alternatives. Often a married woman is unable to obtain a bank loan without the signature of her husband, or an unmarried woman without the signature of her father. The Government has participated in the preparation of a handbook outlining women's rights in Botswana and established preference points for women who seek goverment-sponsored development loans.

Botswana has made considerable progress in providing educational opportunities. The adjusted primary school enrollment ratio increased from 56 percent in 1968 to 89 percent in 1978 and rose to 93 percent in 1979. The difference in the 1978 ratio for boys (80 percent) and girls (98 percent) is due primarily to the custom of using school-age boys to herd cattle. The adult literacy rate is estimated at approximately 40 percent (1971 World Bank figure and the latest available).

Rural incomes are much lower than urban incomes, one factor leading to increased rural migration during the past decade. The urban population increased from 8 percent in 1971 to 17 percent in 1981 and probably has increased again during three years of drought. Despite general improvement in the economy during the past decade, poverty still afflicts a large proportion of the population. The most recent estimates in 1979, which take into account an annual population growth rate of about 3.3 percent (1984 World Bank data), are that 55 percent of the rural population and 40 percent of the urban population have incomes below the absolute poverty level.

The Government of Botswana promises equal treatment for all its citizens in the distribution of social services. However, since most of the Bushmen occupy the harsh and remote areas of the Kalahari desert where population density is very low, there are few clinics and schools available to them. The Government is building some facilities at the edge of the desert where they serve as a magnet for Bushman families. This in turn creates new problems as the occupants of the desert--hunter/gatherers--are forced into wage labor and cattle herding where they tend to be absorbed into Tswana society.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: BOTSWANA

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL | 15.9 | 13.3 | 20.3 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 15.9 | 13.3 | 20.3 |
| A.AID | 11.4 | 10.0 | 10.8 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 11.4 | 10.0 | 10.8 |
| (SEC.SUPP.ASSIST.) | 11.0 | 10.0 | 0.8 |
| B.FOOD FOR PEACE | 3.0 | 1.8 | 8.0 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 3.0 | 1.8 | 8.0 |
| TITLE I-TOTAL | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL | 3.0 | 1.8 | 8.0 |
| E.RELIEF.EC.DEV & WFP. | 3.0 | 1.8 | 8.0 |
| VOL.RELIEF AGENCY | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST | 1.5 | 1.5 | 1.5 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 1.5 | 1.5 | 1.5 |
| PEACE CORPS | 1.5 | 1.5 | 1.5 |
| NARCOTICS | 0.0 | 0.0 | 0.0 |
| OTHER | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL | 0.6 | 5.2 | 9.2 |
| LOANS | 0.5 | 5.0 | 7.0 |
| GRANTS | 0.1 | 0.2 | 2.2 |
| A.MAP GRANTS | 0.0 | 0.0 | 2.0 |
| B.CREDIT FINANCING | 0.5 | 5.0 | 7.0 |
| C.INTL MIL.ED.TRNG | 0.1 | 0.2 | 0.2 |
| D.TRAN-EXCESS STOCK | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL | 16.5 | 18.5 | 29.5 |
| LOANS | 0.5 | 5.0 | 7.0 |
| GRANTS | 16.0 | 13.5 | 22.5 |
| OTHER US LOANS | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS | 0.0 | 0.0 | 0.0 |
| ALL OTHER | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL | 28.6 | 48.7 | 49.3 | 312.0 |
| IBRD | 20.0 | 32.5 | 45.3 | 221.5 |
| IFC | 0.0 | 0.5 | 0.0 | 0.8 |
| IDA | 0.0 | 0.0 | 0.0 | 14.8 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 7.2 | 0.0 | 0.0 | 31.3 |
| UNDP | 1.4 | 0.2 | 0.0 | 15.3 |
| OTHER-UN | 0.0 | 0.5 | 0.0 | 2.8 |
| EEC | 0.0 | 15.0 | 4.0 | 25.5 |

## BURKINA FASO

Burkina Faso is ruled by the military, with Captain Thomas Sankara in the leadership position of President of Burkina Faso and of the National Council of the Revolution. Sankara, who came to power in a military coup in August 1983, appoints the members of the Government in the name of the National Council, and utilizes a Council of Ministers as the main forum for ongoing political decisions.

The country has experienced a series of political upheavals since 1980, and the current leadership has changed the name from Upper Volta in an effort to institutionalize its revolutionary authority.

The Government and National Council undertake their actions in the name of the people, but political parties remain suspended (since 1980) and there is no talk of returning the country to constitutional rule. Instead, the Government is using a growing network of Committees for the Defense of the Revolution (CDRS), organized at national, regional, and local levels, to mobilize the population and promote its revolutionary goals. The national CDR leadership is appointed by the Government, and it organized elections during 1984 to select local committee leaders.

The Sankara regime's human rights record was mixed for 1984. The Government released ex-Ministers held under house arrest following the 1983 coup in August 1984. However, throughout the year it made arbitrary arrests, and imposed brief detention without trial or charges of labor leaders, potential political opponents, and others suspected of being hostile to the regime. The Government also conducted political trials of former government and political leaders outside the traditional judicial system in "peoples courts" where defendants had no recourse to legal counsel, and it sanctioned the execution in June of seven people, five military and two civilians, following a summary court martial convicting them of coup plotting. In addition, the Government dismissed or retired civil servants, military, and police accused of hostility to the revolution for reasons ranging from misconduct to inappropriate attitudes. The only independent newspaper suspended publication in June following the burning of its presses by unidentified armed men.

Burkina Faso is one of the poorest countries in the world. Its economy is based on agriculture and animal husbandry. This former French colony has a literacy rate of about 9 percent and about 90 percent of its 7 million inhabitants live in rural areas. Donor assistance is valued at nearly twice the national budget.

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

In a total break with the traditional judicial process and even a departure from procedures of the peoples court system instituted in 1983, seven people charged with coup-plotting were sentenced to death by a secret court martial on June 11. They were executed a few hours later. Although the Government press published what it called "confession" letters, many people doubt the Government's allegations. In July the Deputy Chief of the Armed Forces was gunned down in Ouagadougou in a gangland style attack after dark. His assailants have never been caught.

b. Disappearance

There were no reports of disappearances during 1984.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There were no reports of torture being inflicted on prisoners or of cruel, inhuman, or degrading punishment, although the poverty of the society in general results in poor prison conditions.

d. Arbitrary Arrest, Detention, or Exile

Ministers from the previous regime, who had been put under house arrest at the time of the 1983 coup, were released in a gesture of reconciliation in August, on the first anniversary of the coup. Only former President Jean-Baptiste Ouedraogo is known to remain in custody without charges, and no time has been set for his trial or release. Reports of arbitrary arrest followed by detention without charges for as much as four or five days are increasing. Some of these arrests have been publicized, such as the arrest of labor leaders in March, which provoked a teachers strike; but others, such as purged leaders of the Committees for the Defense of the Revolution (CDR) in August, have never been acknowledged. Several prominent intellectuals and former government officials remain out of the country in self-imposed exile. Habeas corpus does not exist in Burkina Faso. Laws permitting preventive detention for a maximum of 72 hours, renewable once in criminal cases, are followed in practice.

e. Denial of Fair Public Trial

Between January and June 1984 the People's Revolutionary Courts, created in late 1983 with jurisdiction over state security and political crimes, heard the cases of nearly 100 people. The accused included about 30 high-ranking government officials from the Third Republic (1978-1980) and the Zebro Government (1980-1982) and their associates. Charges centered on misuse of government funds, embezzlement, and "illicit enrichment." Former President Lamizana, who led the country from 1966-1980, and several other defendants were acquitted. Sentences for others ranged from modest fines and suspended prison sentences to several years in prison and fines of several thousand dollars. The Court President was a magistrate appointed by the Government to head the tribunal composed of magistrates, military, and CDR members. The Court President led the process of asking questions directly of the defendant. There was no role for a public prosecutor, and the accused had no right to counsel. Witnesses could be called by the court or they could present themselves to give testimony. In the case of ex-President Lamizana, unsolicited witnesses testified to his genuine concern for the people. Currently there are no further trials scheduled in the people's courts, but President Sankara has said they should be viewed as a permanent feature of the country's judicial system. The traditionally independent judiciary has continued to function for criminal and civil cases. The Supreme Court, abolished in late 1983, has been replaced with two high appeals courts: one for public, and one for private, criminal and civil cases, in accordance with French judicial practice. The average citizen traditionally receives a fair trial and is represented by counsel. Still, high illiteracy in a largely rural population limits awareness of individual rights and legal benefits.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Government authorities are not known to interfere in the privacy, family, home, or correspondence of ordinary citizens. Homes may be searched under a warrant issued by the Attorney General, a procedure adhered to in practice. There is no monitoring of private correspondence or telephones. The security apparatus is not used to survey family life. While the Government encourages participation in the Committees for the Defense of the Revolution, there is no pressure on citizens to join these committees, nor discrimination against those who choose not to participate. International radio broadcasts are not jammed. A recent government practice having great impact on family life is that of arbitrary dismissal of military, civil servants, police, and teachers for primarily political reasons. These individuals must turn to the underdeveloped private sector for future gainful employment, or remain dependent on their families for the foreseeable future.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

There is no formal censorship, external or internal, in Burkina. However, in 1984 the prevailing high level of revolutionary rhetoric, with its frequent references to enemies of the state at home and abroad, undoubtedly inhibited both government-employed journalists and ordinary citizens from taking advantage of their theoretical right to express critical views. The same inhibition, further stimulated by the frequency of sudden dismissals from government service, as well as by reports of arbitrary arrests, has dampened a lively tradition of discussion on political topics.

The media in Burkina are now entirely government-owned, consisting of a daily newspaper, a weekly magazine, a daily mimeographed news bulletin, and a government-operated radio/television station. There has not been a single case of criticism of the Government in the media, which are charged with carrying official news to the people while defending the revolution. The government daily, Sidwaya, was created in April 1984. Not long afterwards, on June 10, the only independent daily, l'Observateur, went out of business when its printing plant was burned by armed intruders. The incident occurred shortly after Committees for Defense of the Revolution in Ouagadougou had denounced l'Observateur for printing an international wire service story on alleged coup-plotting. The Government subsequently denounced the burning of l'Observateur as the work of counter-revolutionary vandals. However, no official investigation of the affair has been announced. The Government maintains that the daily Sidwaya is free to print criticism and independent judgments, and denies that Sidwaya criticism of foreign governments is official in nature. Underground tracts circulated by elements critical of the Government continue to be a feature of political life, although their frequency has diminished in 1984. Foreign newspapers and magazines continue to enter the country freely. Foreign journalists and local representatives of foreign press organizations continue to travel and file stories without censorship or hindrance and enjoy easy access to Government officials up to and including the President.

There are no formal limitations on academic freedom. However, university professors and administrators have been criticized for "elitism" and dismissed for alleged counter-revolutionary tendencies. University students are now subject to political education, but still retain considerable independence. The major student organization remains dominated by a left-wing group, aligned with Albania, which regards the present regime as insufficiently revolutionary. In the arts, movies are subject to possible censorship by a review board which includes religious authorities as well as government officials.

### b. Freedom of Peaceful Assembly and Association

Political parties are banned, and administrative permission is generally required for assemblies of any kind. During 1984, as the new Government consolidated its power, there was little effort by opposition groups, with the partial exception of labor unions, to organize meetings.

Labor continues to be an important feature of the political scene. Four labor federations and a number of anonymous unions exist. They range in orientation from two old-line moderate federations, traditionally unrestricted in their adversary relationship with the Government, to a much more radical federation of civil service locals. One federation is affiliated with the Brussels-based International Confederation of Free Trade Unions, a second with the World Confederation of Labor, and a third with the World Federation of Trade Unions. The civil service federation has no international affiliation.

The right to strike was restored early in 1983. In its only test thus far, the independent primary school teachers union attempted a strike in March 1984, after two of its leaders were arrested for anti-government statements. The Government charged the strike was illegally organized and politically motivated and broke it by firing the strikers. Subsequent efforts to organize a new, pro-government teachers union have apparently failed. An amnesty was extended to the fired teachers in August, but teacher union leaders remain under detention. In August, the Government cracked down on the left-wing Patriotic League for Development and dismissed the head of the radical labor federation from his government job.

Unions have continued to exercise their rights to hold conferences, train workers, and attend international congresses.

### c. Freedom of Religion

Burkina Faso is a secular state, and there is no discrimination on religious grounds. Islam and Christianity exist side by side, with about 25 percent of the population Muslim and about 10 percent Christian. Both Muslim and Christian holidays are recognized as national holidays. Social mobility and access to modern sector jobs are neither linked to, nor restricted by, religious affiliations.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement is generally unimpeded in Burkina, although travelers are often stopped at police and internal customs check points. A strictly enforced curfew has existed throughout 1984. Foreign travel for business and tourism is not restricted. Exit permits, once required to limit movement of workers to the neighboring countries--particularly to the Ivory Coast where one million or more Burkinabe continue to reside and work--are no longer enforced. Refugees are accepted freely in Burkina and attempts are made to provide for their care in cooperation with the United Nations High Commission for Refugees. Some Ghanaians, who entered Burkina after the 1980 coup in Ghana, continue to reside in Burkina.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Since the military coup of August 1983, Burkina Faso has been ruled by President Captain Thomas Sankara in the name of the National Council for the Revolution, the composition of which has never been disclosed. There is no legislative body nor are there any recognized political opposition groups. Sankara, in the name of the National Council, appoints his Cabinet which currently consists of 21 posts, 4 held by military and the rest by civilians, including 3 women. Ministers include individuals known to be affiliated with several different and apparently antagonistic groups, such as the Union of Communist Struggle and the Patriotic League for Development.

The Government has not given any hint of plans for elections or a return to constitutional government. With political parties banned, the Government is using Committees for the Defense of the Revolution to consolidate power and to allow for a limited measure of public participation. These committees are charged with various tasks, including the surveillance of administrative affairs at the local level. In practice the Government exercises tight control over the committees and in 1984 dissolved committees which challenged national leadership.

Minority ethnic groups are as likely to be represented in the inner circles of the Government, as are the dominant Mossi who comprise 50 percent of the population. Government decisions do not favor one ethnic group over another. One announced reason for the increase in administrative regions from 11 to 30 since the August 1983 coup is to improve access of minority groups to local administrative authorities.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

During his October 4, 1984 speech before the U.N. General Assembly, President Sankara spoke in opposition to apartheid in South Africa. A government-supported organization, MOVORAP, lobbies against apartheid and other racial oppression. The Government was visibly upset by foreign criticism of its June executions, including the reported refusal of the French Socialist Party to receive a high-level

Burkinabe envoy. There has been no effort to restrict or hinder international human rights organization of A representative of the International Committee of the Red Cross visited Burkina during 1984 to investigate prison conditions. There has been no comment by Amnesty International on events in Burkina during 1984. During 1983, before Captain Sankara came to power, Amnesty expressed concern about the detention without trial of trade unionist and other senior officials of the Lamizana regime. Freedom House's 1984-85 Report rated Burkina Faso "not free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Burkina is overwhelmingly tied to subsistence agriculture, with 90 percent of the population living in rural areas and less than 1 percent employed in the monetized sector of the economy. Gross national product per capita was $210 in 1982. Living standards are generally higher in the few urban centers than in the countryside. Although the country suffers from recurring drought, agricultural production is gradually increasing. Meat, vegetables, and grain are available, though costly for families without their own fields and seldom plentiful in drier sections of the country. Approximately 25 percent of the population has access to safe water, with a disproportionate number of these people being in urban areas.

The general poverty of the country adversely affects the availability of social services. The literacy rate is estimated at 9 percent, with only 20 percent of school age children enrolled, 25 percent of them males and 16 percent of the females. Further, the population is growing at the rate of 2.5 percent per year as of 1984, despite an infant mortality rate of 178 deaths per 1,000 live births. Life expectancy at birth is 45 years. The primary causes of death and morbidity are malaria, and gastrointestinal, infectious, and parasitic diseases. Population pressure is somewhat ameliorated by large-scale annual migrations to neighboring countries for seasonal agricultural work.

Most of Burkina Faso's people belong to two major west African cultural groups, the Voltaic and the Mande. The Voltaic are the most numerous and include the Mossi who make up about 50 percent of the population.

The current Government has emphasized in public statements its awareness of the plight of women and its commitment to involving them in the country's economic life. Their political role has been limited, but with expanding educational opportunities women are slowly assuming a larger role in the society. The Ministry of Social Affairs works to promote greater participation by women in the nation's economic, social, and political life. Three women are ministers in the current cabinet and others have been appointed high commissioners in several provinces and magistrates in the judicial system.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: BURKINA

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 19.6 | 8.8 | 17.6 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 19.6 | 8.8 | 17.6 |
| A.AID ................. | 11.2 | 0.3 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 11.2 | 0.3 | 0.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 6.8 | 7.1 | 16.1 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 6.8 | 7.1 | 16.1 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 6.8 | 7.1 | 16.1 |
| E.RELIEF.EC.DEV & WFP. | 1.3 | 2.3 | 6.6 |
| VOL.RELIEF AGENCY..... | 5.5 | 4.8 | 9.5 |
| C.OTHER ECON. ASSIST... | 1.6 | 1.4 | 1.5 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 1.6 | 1.4 | 1.5 |
| PEACE CORPS...... | 1.6 | 1.4 | 1.5 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.1 | 0.1 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.1 | 0.1 | 0.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.1 | 0.1 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 19.7 | 8.9 | 17.6 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 19.7 | 8.9 | 17.6 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 47.3 | 36.8 | 48.8 | 526.8 |
| IBRD | 0.0 | 0.0 | 0.0 | 0.0 |
| IFC | 0.0 | 0.0 | 0.0 | 0.5 |
| IDA | 33.0 | 18.5 | 7.4 | 253.5 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 10.2 | 0.0 | 41.4 | 93.8 |
| UNDP | 4.1 | 14.4 | 0.0 | 51.5 |
| OTHER-UN | 0.0 | 3.9 | 0.0 | 16.1 |
| EEC | 0.0 | 0.0 | 0.0 | 111.4 |

## BURUNDI

The Republic of Burundi is a one-party state led by President Jean-Baptiste Bagaza, an Army Colonel who came to power in 1976 through a bloodless military coup. The President is assisted in governing by the party's Central Committee and a Council of Ministers. The once dominant role of the military in government has been steadily reduced as Bagaza has steered the country toward essentially civilian governing institutions and appointed civilians to most key government positions.

The National Party for Unity and Progress is the most important political institution in Burundi. As President of the party and as head of government, Bagaza has a dominant policy role. He also exercises broad decree powers and appoints and dismisses judges. The armed forces maintain law and order, and the Government monitors dissent through the state security police. During sessions over the last two years, the National Assembly has actively debated government policy with occasional pointed criticism.

The party's second National Congress, held in 1984, confirmed President Bagaza as the party President for a five-year term. Bagaza was subsequently confirmed by the voting population of Burundi as President of the Republic. The electorate could vote only for or against him as the sole candidate.

The people of Burundi share a common language and cultural heritage but are divided into two ethnic groups. The minority Tutsi have historically dominated the majority Hutu through a quasi-feudal system of chieftainships and land ownership. The dominance continues today through control of emerging modern social, economic, and political institutions. The second republic has opened party institutions to all Burundians and appointed Hutus to all levels of government, including ministerial positions. There is no evidence of government-sanctioned discrimination against Hutus and they are not persecuted. Many Hutus who fled during the 1972 massacres are returning from their refuge in neighboring countries and reintegrating into national life.

Burundi is a very poor country with a primarily agricultural economic base and one of the highest population densities in Africa. Most Burundians earn their livelihood as subsistence farmers working small, privately owned plots. Recent gains made in food production and economic development have been largely offset by a high population growth rate.

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

There are no allegations of killings for political motives or of summary executions.

#### b. Disappearance

No instances of disappearance have been reported.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is forbidden by law. Cruel treatment of suspects or detainees has occurred in the form of beatings at the time of arrest or interrogation. Such treatment is rare and occurs only in cases of violent crimes or resisting arrest. The Government admits that isolated instances of abuse of prisoners by prison guards or officials do occur but insists that those responsible for such abuses are punished.

Prison conditions are severe due to lack of adequate hygiene, medical care, and food. Prisoners are segregated according to the nature of their crimes, are allowed regular family visits, and participate in rehabilitative work programs. Families are permitted and expected to provide supplemental food and other personal items to their relatives in prison. The Government is making efforts to improve conditions and has cooperated with the International Committee for the Red Cross, whose contribution enabled the Government to upgrade the sanitary facilities of the central prison during 1984.

### d. Arbitrary Arrest, Detention, or Exile

Police officers are empowered to detain suspects but must submit a written report to the public prosecutor's office within 24 hours. The public prosecutor examines the report and can either order the detainee's release or issue an arrest warrant valid for five days. Within the allotted period, the public prosecutor must formally state the charges in the presence of the detainee before a magistrate, who can release the detainee or issue orders confirming the detention, initially for 15 days and then subsequently for 30-day periods as necessary to prepare the case for trial. Bail is set only in cases of embezzlement or similar crimes involving financial wrongdoings.

The standards of arrest and imprisonment are not always upheld. The elapsed time between an arrest and the notification of the public prosecutor often extends to several days. Also, detainees do not always appear before a magistrate within the alloted five days. However, a judicial review of the arrest does take place in all cases, and arrests are made openly. Relatives or consular representatives are made aware of arrests or detentions, generally when they occur. The general practice is to permit detainees to go to their homes prior to being brought to the place of detention.

In addition to a police force responsible for civil and criminal offenses, a separate force of security police, which has primary responsibility for policing internal state security, has the same powers of arrest as the regular police and is subject to the same procedures for judicial review of detentions. During 1984 the security police detained and questioned an unknown number of persons for expression of views hostile to the Government or critical of individual members of the Government or for other activities deemed dangerous to the internal security of the nation. At least five university students were detained during 1984 for protesting a government decision to rescind scholarships. Five or six other persons, either government officials or influential private citizens, were also detained for expression of hostile views. These detainees were released within one or two months or, in one or two cases, charged with and convicted of violations of civil law.

The Government does not exile its nationals. There are cases of individuals preferring to reside outside Burundi after leaving as refugees or political opponents of the Government. Citizens of neighboring countries suspected of criminal activity and lacking proper residency documents are expelled.

### e. Denial of Fair Public Trial

The judiciary is not entirely independent. In addition to appointing judges, the President has the power to dismiss them. The judiciary is expected to adhere to the guidance and recommendations of the party, the Government and the President. Nevertheless, there is a high degree of autonomy in the day-to-day administration of justice through the courts, and due process is largely observed. Court decisions cannot be overturned by the executive branch. The President has the power to pardon or reduce sentences.

Burundi has three separate court systems to deal with civil/criminal, military, and state security cases. Military tribunals have jurisdiction only over military personnel. The state security court has jurisdiction over both civilian and military personnel and its proceedings need not be made public. To date, this court has not been used. Burundi law provides a right to counsel, and indigents are defended by the state.

Pretrial proceedings may involve lengthy investigations during which the question of guilt is virtually resolved. At the pretrial stage, the public prosecutor's office generally dismisses cases where the evidence in support of the charges is weak or unsubstantiated and only proceeds to trial when it believes guilt has been established. However, two well-known instances of not-guilty verdicts in 1984 involved a murder case and a case of high government officials accused of embezzlement.

During the past four years, the Government has taken steps to improve the judicial system. The number of local courts has almost doubled. New provincial courts have been created, the number of magistrates has tripled, and training seminars and conferences have been held. The functioning of the system is still hampered by the lack of trained legal personnel and the heavy case loads. The 1984 party congress recommended additional reforms in the judicial system, which include giving priority to cases where the accused is in preventive detention.

There are no verified cases of purely political prisoners, although one or two such cases have been alleged. Defamation of a public figure is a civil offense and several persons are serving short sentences (under 12 months) after convictions for this offense. There are also two or three prisoners who were initially detained for political activities hostile to the Government but who were subsequently charged with and convicted of corrupt practices or embezzlement of public funds. The ICRC does not consider a program of visitation to such prisoners necessary in Burundi.

### f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The right to privacy of correspondence and the inviolability of the home are guaranteed in the Constitution. A judicial warrant is required for a law enforcement official to enter and search a private residence. There are no reports of violations.

Citizens are not coerced to become members of any organization. Membership in the political party and its affiliated organizations is open to all but not required. However, the Government requires that all citizens perform community work on Saturday morning and this has created a conflict with at least one religious group. The state security office does monitor dissent through officers of the state security police and paid informers who report on discontent and dissension as well as criminal activity. The security system is concerned primarily with potential violence against the Government.

## Section 2 Respect For Civil Rights, Including:

### a. Freedom of Speech and Press

The Government controls all domestic print and broadcast media. The French language daily and Kirundi language weekly are published by the Ministry of Information, which also operates the domestic radio stations. The media are required to support the fundamental policies of the party and Government. Some criticism of government mismanagement and secondary aspects of policies is permitted in the printed press but not on radio. Journalists are state employees and as such would be subject to disciplinary action if their criticism went beyond what is considered tolerable. The Government does not interfere with the distribution of foreign news publications nor with radio reception from foreign sources.

Freedom of speech is limited by statute. Criticism of the party and government policies or leadership is permitted only within party meetings. Academic freedom is also limited. At the primary and secondary school level, teachers are expected to support government policies. At the university, professors come from several different countries and are permitted to lecture freely in their subject areas, conduct research, and draw independent conclusions. Censorship occurs only in the case of sexually explicit foreign film material or publications.

### b. Freedom of Peaceful Assembly and Association

The express authorization of the Government is required for all political meetings or speakers. This effectively guarantees government control of all public fora and limits association for political purposes to participation in the party or its affiliated youth, labor, or women's movements.

The party controls the trade union confederation called the National Labor Union or UTB. The principal roles of the UTB, to which virtually the entire salaried work force belongs, are to educate its rank and file regarding their legal protections and serve as a mediator between workers and employers. The right to strike is denied in practice, and individual advocacy of a strike or lock-out is a criminal offense. The UTB maintains links with international labor bodies. The UTB participates in the International Labor Organization (ILO) and is a member of the continent-wide Organization of African Trade Union Unity (OATUU) based in Accra.

In 1983, Burundi was cited by the ILO in Geneva for violations of ILO conventions 20 and 105 pertaining to forced labor, because of legislation imposing compulsory cultivation on Burundi farmers under the threat of penal sanctions. The Burundi Government, however, maintains that the legislation referred to by the ILO citation is no longer in use and that it is initiating a general study to remove from the books similar laws which are no longer relevant under the Burundi Constitution.

The Government permits nonpolitical private associations, but requires that they be registered and accorded legal recognition before they may function.

### c. Freedom of Religion

Although Burundi is a secular state, religious freedoms are restricted by the Government. All religious associations must receive approval from the Government, and government authorities must be informed in advance of religious gatherings. Such gatherings are strictly limited to recognized places of worship (i.e., churches, mosques, and temples), and religious services are authorized only after midday on Saturday and on Sundays. (In spite of this order, the Government does not interfere with Muslim worship on Fridays.)

The Jehovah's Witnesses sect is banned because its doctrine challenges certain precepts of civil authority. The sect does not have legal status in Burundi and consequently cannot openly carry out activities within the faith or aimed at conversion. Terms of imprisonment for Jehovah's Witnesses activists are generally less than the maximum six-month penalty. There are no reports of persons imprisoned for merely adhering to the sect. The Seventh Day Adventists' activities in Burundi were curtailed during 1984. The Adventists, who regard Saturday as the Sabbath, came into conflict with the Government over the issue of community work, which is normally required of all citizens on Saturday, and the right to hold services on Saturday morning. The Adventists' refusal to perform work of any kind on their Sabbath led to the closing of Adventist churches and loss of their legal status. Other churches have suffered various harassments. The Government has made it clear that churches are to confine their activities to religion and social works and stay out of political matters, which include Hutu/Tutsi relations. The churches have been forbidden to hold weekday services; religious symbols not actually on church buildings have been removed by local authorities; and 15-20 missionaries have been expelled over the past year. No reasons were given by the Government for the expulsions.

Church access to the media is curtailed with the longstanding suspension of a Catholic newspaper and of religious radio broadcasts. There are, however, no barriers to the training of the clergy or to maintenance of links with religious hierarchies or groups in other countries. Also, the Government does not prevent the arrival of new missionaries. Religious beliefs do not exclude individuals from political participation or social benefits.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Movement is generally free within Burundi, although government policies discourage urban migration. There is no system of internal pass controls or curfew. Foreign travel and emigration are relatively free. However, the Government requires exit visas as well as passports. The Government has occasionally withheld these documents without explanation but apparently for political motivations. Burundi's refugee and asylum practices are humane and cooperation with the United Nations High Commissioner for Refugees is close. The country's estimated 70,000 refugees, primarily Tutsis of Rwandan origin who fled to Burundi in the 1960's, have mostly been settled, although they are not very often granted citizenship. Refugees who fled Burundi in the early 1970's and before continue to return in increasing numbers and have full rights as citizens. Amnesty International has been concerned about the situation of refugees and asylum seekers from Zaire. Several were allegedly forcibly repatriated in 1983.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The citizens of Burundi do not have the right under the existing political system to change their Government. Political participation can take place only within the one-party structure, and voters can express dissatisfaction only by sending incumbents down to defeat. The President of the party is the sole candidate for President of the Republic. Power rests with the President, Jean-Baptiste Bagaza, and with the party Central Committee. The party is open to all Burundians who profess allegiance to its principles and claims membership of about 1.4 million, about three-quarters of the adult population. The party regularly holds congresses at the local and regional levels, during which members can discuss issues and make recommendations. While there are multiple candidates for party positions, balloting is not secret. The party's National Congress met during July 1984 and was attended by approximately 900 delegates, including pre-selected delegates from the party's affiliated youth, labor, and women's movements, and from the armed forces.

The National Congress selected a new Central Committee and reelected Bagaza as president. He was subsequently confirmed as President of Burundi on August 31, 1984, for a five-year term, receiving 99.6 percent of the votes. Although the process cannot be considered an election, it did mark the first time that the population of Burundi has had any role whatsoever to play in the approval of their Chief of State.

The Constitution provides for a national assembly, which came into being in 1982 with a five-year mandate. Fifty-two of the 65 representatives are voted for by secret ballot under universal adult suffrage and the remainder are appointed by the President. All candidates are drawn from a list preselected by provincial electoral colleges composed of party and government officials. Two candidates for each elective seat were permitted. The balloting was evidently free, as several high party and government officials failed to win seats. The Assembly is not intended to be a separate and independent power but is expected to cooperate with and complement the other institutions. Nevertheless, its recent proceedings in enacting legislation and approving budgets indicate that it has the potential to evolve into an active institutional participant in the process of government.

Although the military remains influential and is still represented in all the party organs and in the Government, its role in government administration had declined markedly since 1979 when the military Supreme Revolutionary Council, which had ruled the country since 1976, was dissolved. Only 3 military officers are currently cabinet members, and military officers hold 12 of the 69 Central Committee seats.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

Burundi is a party to several United Nations instruments on human rights and its Constitution provides for the protection of such rights. There were no reports during 1984 of requests for outside investigations of alleged human rights violations. The last visit of the ICRC took place in late 1983. The Government complied with the ICRC's standard conditions for visits to prisoners or detainees. In 1984, in addition to the status of Zairian refugees, Amnesty International was concerned by the restrictions imposed on religious activities and the detentions of members of religious groups. Freedom House terms Burundi "not free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Burundi is among the poorest countries of the world, with a 1982 per capita gross national product of $280. Fifty-five percent of the urban population and 85 percent of the rural population is below the absolute poverty level (1978). Population density is one of the highest in Africa, with a population of 4.663 million (1984) inhabiting a land area of only 27,834 square kilometers. The population growth rate for 1984 is estimated at 2.6 percent. Nearly 95 percent of Burundians earn their livelihood from agriculture. The traditional feudal land tenure system has been abolished, and most individual farmers own the land they cultivate. Food production has not increased as rapidly as the population. Calorie supply as a percentage of requirements was estimated at 96.74 (1977). The Government has adopted a voluntary comprehensive family planning policy and emphasized agriculture in its most recent five-year plan (1983-87).

Burundi's relatively small monetary economy is based on the export of coffee, which accounts for 90 percent of foreign exchange earnings. The economy has been hit hard by the decline in world coffee prices since 1979, sharply rising energy costs, and high transportation costs. Real economic growth over the past five years has stayed only slightly ahead of population growth.

Health care is inadequate as Burundi suffers from a shortage of personnel, facilities, and budgetary resources. Life expectancy at birth is only 47.43 years (1984), and the rate of infant mortality is 116.8 per 1,000 live births (1984). Although most urban dwellers have access to potable water supplies, the percentage of the rural population with access to safe year-round water is very low. Educational opportunities, despite considerable government efforts supported by donor assistance, remain below the needs of the population. Only 26.8 percent of adults are literate according to 1980 figures (38.9 male, 15.4 female). World Bank statistics for 1981 show primary school enrollment of 31.12 percent of the primary school age population (38.71 percent for males, 23.69 percent for females.) Only a small fraction of those completing primary school can obtain places in the nation's 35 secondary schools. An even smaller percentage of students win places in the nation's sole university.

## BURUNDI

The minority Tutsi, traditionally a pastoral people, have for centuries dominated the majority Hutu, traditionally a farming people. The government-sanctioned massacres in 1972 led to nearly 200,000 Hutus fleeing to neighboring Rwanda and Tanzania. Since 1976, with the advent of the second republic, the degree of ethnic tension has been markedly reduced. Thousands of Hutu refugees have returned to Burundi. Intermarriage has also contributed to a blurring of ethnic distinctions. The low level of economic development in rural areas affects both Tutsi and Hutu, with differences in economic status between the two groups generally not discernible in the countryside. However, because of their longstanding dominance of the Government and access to education, the Tutsi predominate in the modern sector. The military remains under Tutsi control. While there is social and cultural discrimination, there is no evidence that Hutus are denied equal protection of the law.

Women in society hold a secondary position, although their status is undergoing considerable change from traditional patterns. The Constitution provides for legal equality, and significant improvement in the legal status of women came in 1980 with the issuance of a new legal code on families. This code prohibits polygamy and use of dowry, and allows women control of family matters in the absence of the husband. Women, however, still cannot inherit land and cannot work if forbidden to by their husbands. Although fewer women than men attain an education, once it is attained women can generally find suitable employment. The Government does not discriminate against women in hiring or in respect to the jobs which are open to them. Women are represented at all levels in the political life of the country. However, their main vehicle of political expression is the women's movement affiliated with the party. The party remains dominated by males.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: BURUNDI

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 7.2 | 7.5 | 7.7 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 7.2 | 7.5 | 7.7 |
| A.AID ................. | 5.0 | 5.5 | 3.7 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 5.0 | 5.5 | 3.7 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 2.2 | 1.7 | 3.4 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 2.2 | 1.7 | 3.4 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 2.2 | 1.7 | 3.4 |
| E.RELIEF.EC.DEV & WFP. | 0.8 | 0.4 | 1.6 |
| VOL.RELIEF AGENCY..... | 1.4 | 1.3 | 1.8 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.3 | 0.6 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.3 | 0.6 |
| PEACE CORPS...... | 0.0 | 0.3 | 0.6 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.1 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.1 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG..... | 0.0 | 0.0 | 0.1 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 7.2 | 7.5 | 7.8 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 7.2 | 7.5 | 7.8 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 47.4 | 18.0 | 18.1 | 381.2 |
| IBRD | 0.0 | 0.0 | 0.0 | 4.8 |
| IFC | 0.0 | 0.0 | 0.0 | 5.6 |
| IDA | 21.2 | 15.8 | 5.1 | 179.6 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 10.7 | 0.0 | 13.0 | 76.5 |
| UNDP | 12.6 | 2.2 | 0.0 | 45.1 |
| OTHER-UN | 2.9 | 0.0 | 0.0 | 9.3 |
| EEC | 0.0 | 0.0 | 0.0 | 60.3 |

## CAMEROON

Political power in Cameroon is concentrated in the presidency. The President makes all major decisions and appoints all important governmental and party officials. Cameroon had an active multi-party system at the time of its independence; under former president Ahidjo all parties were gradually consolidated into the Cameroon National Union. Although Cameroon's 1972 Constitution provides for a democratic, multi-party system, in actuality the sole political party also selects candidates for public office, who run unopposed. In the 1984 Presidential elections President Biya officially received 99.98 percent of the votes cast.

Cameroon's political system is in part a product of the country's ethnic and linguistic diversity, encompassing some 200 different ethnic groups with over 230 separate languages, as well as three colonial heritages (French, British, and German). During the 22 years of President Ahidjo's rule, the diversity and armed violence in some parts of the country were used to justify authoritarian control and harsh restrictions on civil liberties. The Ahidjo legacy still shapes President Biya's policies, despite the steps he has taken to liberalize the political system. Cameroon's economy continues to thrive, and its per capita income ranks Cameroon among the middle income developing countries, even though it remains plagued by many problems of underdevelopment. Growth, propelled by oil revenues, continues at a steady pace.

In 1984, the human rights environment in Cameroon was influenced by the Biya Government's continuing concern about former President Ahidjo and his supporters and the relaxing of some controls on freedom of expression and political participation.

Ahidjo and two former aides were tried in February on charges of conspiracy to assassinate President Biya and to overthrow the Government. All three were found guilty (Ahidjo in absentia) and sentenced to death, but the sentences were later commuted to life imprisonment.

In April members of the presidential security force who were still loyal to Ahidjo staged an unsuccessful coup. From 200 to possibly as many as a thousand soldiers and civilians were killed before government troops regained control. During a November 15 press conference, President Biya said that 1,205 people had been detained, and 491 had been prosecuted, of whom 232 were acquitted, 205 sentenced to prison terms, and 54 condemned to death (including three who had been listed earlier as sentenced to death, in absentia). Charges in absentia against one other person were dropped because he had died from wounds suffered in the coup attempt. These figures appear to be substantially correct. A state of emergency was declared April 18 for the Yaounde area; in addition, a continuing state of emergency has been in effect in some parts of Cameroon since the crushing of a violent uprising by the opposition Union des Populations Camerounaises, in the late 1950s and early 1960s. Internal travel was subjected to close surveillance throughout the country, and there were numerous arrests and searches without warrants. Foreign diplomats were often stopped and searched.

Despite the above, the Biya Government stated on various occasions its desire to press ahead with "democratization." Press controls were loosened during the course of the year, and several private newspapers were started. Several employees of a prominent English language newspaper were arrested, and later released, for publishing articles overly critical of senior politicians. Party debates on government policy also were more open than they had been previously, and Cameroonians in general were less inhibited in discussing political issues. Fifteen political prisoners (including one cited in Amnesty International's 1983 report) were released in January. As of October 1984, there were estimated to be fewer than 10 political prisoners still in custody.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

### a. Political Killing

There were no confirmed reports of political killing during 1984. Amnesty International cited allegations that loyalist troops summarily executed some people they suspected of involvement in the coup, but it has not been possible to confirm these reports. There is no confirmation of the murder of any civilians by the rebels, although a prominent businessman was murdered during the coup attempt by persons whom the Government reported to be rebels.

### b. Disappearance

There were no reports of the disappearance of individuals in Cameroon during 1984.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is proscribed implicitly in the Constitution. Cameroon's criminal procedures provide that evidence obtained by torture is inadmissable. In addition, the penal code prohibits public servants from using force against any person. However, there were credible reports during 1984 of ill treatment, such as beatings, during police interrogation and imprisonment. Amnesty International has also reported allegations of harsh prison conditions and ill treatment of detainees.

Persons under "administrative detention" (i.e., political prisoners) are kept in special camps or prisons. In former times, some of these prisoners were confined in totally dark cells for long periods of time. It has not been possible to confirm whether this practice continues. Access to the "administrative detention" centers by families and friends is reported to be severely restricted.

### d. Arbitrary Arrest, Detention, or Exile

Under Cameroonian law a person arrested on suspicion of committing an offense may not be held for more than 48 hours without a court order, and this provision is generally observed in non-political cases. However, after an investigating magistrate has determined that the case should be brought to trial and has issued a warrant to this effect, there is no limitation on how long the person charged may be held in "preventive detention" pending trial. Accused persons awaiting trial constitute the great majority of persons in the prisons at Yaounde and Douala. Release on bail is infrequent. Other legal provisions are sometimes used to obtain the release of persons detained illegally.

Citizens continue to be stopped by local police who harass or threaten to detain them unless a bribe is paid, but for the most part those detained are released within 24 hours. These actions are not initiated or condoned by high government officials and have been sharply criticized by the President.

Persons may be held in "administrative detention" under legislation pertaining to subversion. Such detention by regional authorities is initally for one month, renewable twice, and may be extended up to an additional six months by the Minister of Territorial Administration.

Generally, those arrested and placed in administrative detention do not disappear--their families are told where they are and they are eventually released, although the detention may be a long one. President Biya released 15 such prisoners on January 21 as part of a general remission of sentences. The Government is also reported to have released in June four asylum seekers from neighboring countries, who had been held in administrative detention since 1982. As of October 1984, there were estimated to be fewer than 10 prisoners still under "administrative detention."

Under the state of emergency which exists in Yaounde and portions of three provinces, authorities may also order detention for up to one week for persons judged "dangerous to public security." The Minister of Territorial Administration may also order detention of such persons for up to two months; the order is renewable without limitation. This provision also provided additional license for the police, the gendarmes, and the army to harass or detain anyone whose papers were not in order, who was suspected of being a mercenary, or otherwise seemed suspicious. These detentions involved both Cameroonians and foreigners (including 14 Americans), but generally lasted only overnight. The exact number of such short-term detentions is not known, but the total is believed to be at least several hundred and possibly in the thousands.

The Government announced in May that 1,053 persons had been arrested and detained at length during the state of emergency; by November that official figure increased to 1,205. An additional group of about 52 accused were either tried or released without trial in November and December, but at year's end it was not clear what sentences had been handed down, or how many more suspects remained in custody. One source says that no one was sentenced to death.

There are an unknown number of former members of the outlawed Union Des Populations Camerounaises party in self-imposed exile. The Government has held discussions with some of those who desire to return, and there have been reliable reports that a few have returned.

### e. Denial of Fair Public Trial

Trial by a presiding magistrate is guaranteed by law, and this practice is followed with the exception of individuals held under administrative detention. Public trials are also guaranteed by law, although exceptions for the public good or national security are allowed, and trials which involve prominent persons or which are controversial sometimes do take place in camera. Magistrates in Cameroon are drawn from a corps of career civil servants who must possess law degrees. They are generally free from government interference and are considered to conduct fair trials. Defendants in felony cases are provided attorneys if they cannot afford to engage their own.

Former President Ahidjo was tried in absentia along with military officers Ibrahim Oumarou and Adamou Salatou by a military tribunal as mandated by the 1972 military procedures code. An attorney representing Ahidjo was present on the opening day of the trial, but declined to take part because of the absence of his client. Court appointed attorneys were also present to represent Salatou and Oumarou, but they declined representation. Observers from international human rights organizations were present throughout the trial, including at one session in camera. Amnesty International expressed two concerns about the trial: the lack of the right to appeal the decision, and the lack of investigation of allegations that Salatou and Oumarou had been tortured in pre-trial custody.

Those accused of involvement in the coup attempt were also tried before a military tribunal, but all of the trials were closed to the public. A court-appointed counsel was available to defendants if they wished, although in some cases there was little time for that attorney to prepare a defense. According to a government statement released November 15, 491 people had been tried, of whom 232 were acquitted, 205 were sentenced to prison terms and 54 were sentenced to death (three in absentia). About 52 others were tried or released without trial in November and December. It is believed that about 45 people have actually been executed, although Amnesty International reported in August that "well-informed sources have given the total number of such executions at over 120."

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Both invasion of the home and tampering with correspondence are violations of Cameroonian law. There are reports that police do enter homes without warrants, however, during periodic searches for criminals in the lower income neighborhoods. After the April 1984 coup attempt, there also were reports of government scrutiny of private correspondence, primarily of letters and pamphlets entering the country from external dissident groups, and monitoring of telephone calls. Although membership in the country's sole political party, the Cameroon National Union, is not mandatory, there have been credible reports that zealous local party officials have denied routine services, such as a driver's license, to persons who do not possess party cards. The Government does not condone such actions.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Although the Constitution of 1972 guarantees the freedoms of expression and press, under Cameroonian law and practice, these freedoms are restricted. However, 1984 saw the restrictions loosened somewhat. Independent newspapers proliferated, including 24 registered as "general information" papers. These newspapers regularly print criticism of government programs for education, development, or censorship, and also print occasional articles on security issues. There are still many taboo subjects, however, and two journalists were detained for three days after having written an article critical of a high government official. Another journalist was arrested and held for five days, and his newspaper temporarily closed, for publication of criticism of police corruption. In addition, Blaise Pascal Talla, a Cameroonian businessman affiliated with the weekly magazine "Jeune Afrique," was arrested in November for illegal possession of arms and ammunition. He is not a reporter, and the arrest does not appear to be related to his duties with the magazine.

There has also been a continued increase in the amount of comment on internal politics in the government-controlled press and radio, although the Government affords official journalists much less latitude than it does their private counterparts. Most official journalists are civil servants, and if they are not sufficiently careful in their self-censorship, they can be transferred to less desirable jobs. Senior government officials recently instructed private journalists on their responsibility to represent the views of the Government.

International magazines are now permitted, with a few exceptions, on the newsstands. The government-controlled Cameroon Tribune also now carries summaries of these foreign articles on Cameroon.

Informal political discussion appeared more open in 1984 than in recent years, and the threat of surveillance and detention for the expression of political views diminished. Government restrictions on university lecture content and publications continue to decrease, but the Government continues to react firmly to any signs of student protest. In August, security forces rounded up a large number of students (probably several hundred) at the University of Yaounde. Most were quickly released, but about 10 were accused of accepting money from Ahidjo supporters to distribute anti-government tracts, and held for several weeks.

### b. Freedom of Peaceful Assembly and Association

Freedom of assembly and association, while guaranteed in the Constitution, are restricted in practice and in law. The Cameroonian Penal Code prohibits public meetings, demonstrations, or processions without prior government approval, and organizations must register with the Government.

The sole union, the National Union of Cameroon Workers, operates within the framework of the official party, the Cameroon National Union, and top union leadership is chosen by the Government. The labor union does not play a major role in Cameroon's political life, although it has a membership of approximately 450,000 workers in a working population of more than three million. It pursues individual worker grievances and seeks improvements in government programs for worker safety and training.

The union participates in a government-regulated negotiation process with employers, but strikes are illegal. Political activity by the trade union, outside of actions designed to protect economic and other interests, is prohibited. The union cannot have contact with foreign trade union organizations without government authorization. Cameroon is a member of the

International Labor Organization, and union members comprise part of the Cameroonian delegation to its meetings. The union is also a member of the Organization of African Trade Union Unity.

### c. Freedom of Religion

Cameroon is comprised roughly of 20 percent Muslims, 30 percent Christians, and the rest animists. Freedom of religion is guaranteed in the Constitution and is generally respected. Officials of the Government and party are drawn from members of all denominations. Missionaries have played a major role in the development of Cameroon since the 19th century. However, members of religious groups such as Jehovah's Witnesses, who do not acknowledge the supremacy of the state, have been arrested for failure to comply with laws requiring registration of all organizations including religious groups. Acts of witchcraft, magic, or divination liable to disrupt public order or tranquility or to harm person or property are outlawed with penalties of up to 10 years imprisonment.

### d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement within the country is not restricted by law. In practice, however, police frequently stop travelers for a check of identification, tax receipts, or voting cards. The increased use of roadblocks by police, gendarmes, and the military since the coup attempt sometimes leads to incidents of petty harassment or detention. Exit visas are required to leave the country and sometimes are available only after long bureaucratic delays. In some cases, these delays may represent attempts by the Government to discourage or even prevent departure. The Government has also been known to refuse issuance of a passport, or to confiscate a passport already issued, in order to prevent someone from traveling abroad. Cameroonians leaving the country must deposit sums sufficient to buy a return air ticket for repatriation should they become stranded abroad. There are no restrictions on the right of voluntary repatriation. Women must obtain the permission of their husbands or fathers to leave the country.

Over the years, Cameroon has served as a safehaven for hundreds of thousands of displaced persons from neighboring countries as well as from countries as far away as South Africa. Chadians who have fled to Cameroon currently number between 15,000 and 25,000; displaced persons from South Africa, Zaire, and Angola are also currently residing in Cameroon.

Many of the displaced persons now in Cameroon entered the country illegally, and are not registered officially as refugees. In some instances, they are living and working with members of the same tribe in Cameroon; in other instances, entire villages have moved across the border from Chad into Cameroon. If they are employed, and pay into the official benefit system, they are eligible for the same social and government benefits as Cameroonian citizens. There have been some reports of exploitation of Chadians who have entered Cameroon illegally by business representatives who pay them less than the going wage. Those displaced Chadians legally in Cameroon are sent to the Poli refugee camp, where they receive medical care and services comparable to those received by Cameroonians. The Chadians at Poli have established farms; there have been no reports of discrimination. A number of other displaced persons, including Namibians, are in Cameroon as students. There is a reliable report that in mid-1982 the Cameroonian Government arrested a total of five asylum seekers from nearby African countries and held them in administrative detention as "subversives." According to the same report, one detainee was released in 1983 and the others in 1984, and no others are being held.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Cameroon continues to be a one-party state ruled by the President, with a minimal role played by the electorate. Following the resignation of former President Ahidjo on November 4, 1982, his constitutional successor, Prime Minister Paul Biya, took office as President. In September 1983 Biya was elected President of the party, following Ahidjo's resignation from that office. While the Constitution implies the legality of other political parties, in fact, only one party is permitted--the Cameroon National Union. A recent revision in the election law now permits in theory multiple candidates for the presidency. In the January 1984 elections President Biya ran unopposed and received 99.98 percent of the votes.

Membership in the Cameroon National Union party is open to all religious and ethnic groups, but the party remains a centrally controlled organization. The party elite chooses the candidates for local offices as well as for the National Assembly. One candidate is chosen for each position by the party and submitted to the electorate. The electorate has not rejected a candidate chosen by the party since the Cameroon National Union was constituted the sole legal party in 1966. There was a minor modification of this policy during the 1983 legislative elections when local party officials were given a larger role in the selection of nominees, and during 1984 there has been a gradual opening up of debate within the party, but the party elite still makes all major decisions.

Two externally based dissident groups, the Union des Populations Camerounaises (Francophone) and the Cameroon Action Movement (Anglophone), periodically send letters or pamphlets into the country. The Government generally succeeds in seizing these documents when they arrive.

Governors, prefects, and cabinet ministers in Cameroon are appointed by the President. The National Assembly plays no role in these appointments. Local officials, such as mayors and community councils, are elected, but the single candidate for each position is selected by the party elite. Voter participation is strongly encouraged by the Government. Although there is no law which requires individuals to vote, local police periodically stop motorists on election day to demand their voting cards, and those not possessing such cards on occasion have been detained temporarily or otherwise harassed.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Cameroonian Constitution affirms support for the freedoms guaranteed in the Universal Declaration of Human Rights and the United Nations Charter. Under President Biya the Government has greatly increased the attention it pays to human rights issues, both internally as a part of Biya's program of "democratization" and in public statements at international forums such as the United Nations. On June 27, Cameroon acceded to the United Nations International Covenants on Civil and Political Rights, and on Economic, Social, and Cultural Rights. Cameroon hosted the fourth African seminar on international human rights in December 1983, and in February allowed observers from the Human Rights League, the Association of African Jurists, and Pax Romanus to attend the Ahidjo trial. After the April 6 coup attempt, government and private opinion in Cameroon held that the Government had gone to extraordinary lengths to protect the civil rights of the alleged coup plotters and to give them a fair trial.

When Amnesty International sent a telex to President Biya alleging that Cameroon had conducted arbitrary arrests and torture, and up to 120 secret executions following the coup attempt, the Government responded with a public denial of the charges and strongly criticized Amnesty. In a later report released August 17, Amnesty International called upon the Government of Cameroon: to commute all court-imposed death sentences which had not yet been carried out; to release the names of all those convicted of offenses arising from the April 6, 1984 coup attempt and the details of the charges against them; to make public details of the proceedings of the military tribunals used to hear cases against people detained after the coup attempt; to institute a right of appeal before an impartial tribunal for all prisoners convicted of offenses arising from the coup attempt; and to disclose the number of executions which had been carried out since April 6, 1984, with the names of the victims, together with the offenses for which they were convicted. The Government has not publicly replied to those requests. Freedom House lists Cameroon as "not free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Cameroon has one of the strongest economies among African developing countries, recently averaging a seven percent growth rate due primarily to oil revenues and its relatively well balanced, market-oriented economy and prudent economic policy management. Political events during 1984, including the Government's anti-corruption campaign, contributed to some commercial sector slowdown, and drought has affected agricultural production, but activity in both sectors has picked up more recently. The GNP per capita ($883.30 in 1982) is poorly distributed among the population. The rate of inflation is officially estimated at 15 percent, but is probably higher.

Cameroon's population is approximately 9.5 million, and is growing at a rate of some 2.7 percent per year. Over 60 percent of the people still live in rural areas, but the urban population is expanding by 8 percent a year. In 1978, 15 percent of the urban population and 40 percent of the rural population were estimated to live below the absolute poverty level. The rapid growth in urban population has produced an increased need for basic urban infrastructure, and also means that continuing productivity increases in food crop agriculture are necessary if Cameroon is to continue to produce the major part of its food requirements in rural areas. Many of those living below the poverty level are subsistence farmers.

## CAMEROON

The average Cameroonian has a life expectancy of 53 years. Nationally, the infant mortality rate is 136 per 1,000 live births. Chronic undernutrition affects 21 percent of the children under age five. Despite this figure, the ratio of calorie supply available for consumption relative to nutritional requirements was 102 percent in 1981. Such practices as early weaning, as well as intestinal parasites and diarrhea, have contributed to infant and child malnutrition, despite the surplus of calories available. Malnutrition is more prevalent in rural areas. Based on a 1976 estimate, some 26 percent of the population is estimated to have access to safe drinking water; the figure for urban dwellers is 35 percent and for rural inhabitants 22 percent.

The school enrollment rate for children between the ages of 6 and 14 averages 88 percent in urban areas and 46 percent in rural areas, with female students underrepresented noticeably in the rural secondary schools. In 1981 at the primary school level there were slightly more boys than girls attending school (117 percent as compared with 97 percent between 6 and 11). Above 15 years of age, the number of boys attending school is practically double that of girls (29.8 percent of boys as compared with 14.6 percent of girls between the ages of 15 and 24). In 1981, there was a primary school enrollment ratio of 107 percent of those available to attend. The excess over 100 percent is due to enrollment of students over the expected age of primary students. School attendance rates are one-third the national average in the Muslim north, where only 22 percent of the children attend school. The national adult literacy rate is estimated to be 14 percent.

Girls are differentially underprivileged as regards access to school and subsequent performance. Girls from the southern part of the country, although disadvantaged at the level of secondary entrance when compared with boys from the same areas, have a considerable educational lead over both girls and boys from the eastern and northern provinces. In 1979, less than one-quarter of primary pupils in the northern provinces were girls as contrasted with 44-47 percent in the littoral, western, and center-south provinces, where the high levels of enrollment reflect the influence of the Christian religion and education since the late 19th century and the corresponding incorporation of those areas under colonialism.

Women enjoy equal rights with men under the Constitution and are politically active in the party and labor union. The women's wing of the party has created social and educational programs aimed at encouraging the economic and social productivity of Cameroonian women. Women are represented in the modern sector, although not proportionately in the upper levels of administration and in the professions.
There are currently five women in President Biya's cabinet, two ministers and three vice ministers. However, there are no women governors or prefects, both presidentially appointed positions. Women also hold positions as ambassador to Spain, and members of the National Assembly. As a result of the 1983 legislative elections, the percentage of women in the National Assembly increased from 10 percent to 14 percent.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS (U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: CAMEROON

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 19.2 | 21.8 | 25.3 |
| LOANS.............. | 9.1 | 13.0 | 11.3 |
| GRANTS............. | 10.1 | 8.8 | 14.0 |
| A.AID ................ | 15.3 | 19.0 | 22.5 |
| LOANS.............. | 9.1 | 13.0 | 11.3 |
| GRANTS............. | 6.2 | 6.0 | 11.2 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 1.5 | 0.8 | 0.4 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 1.5 | 0.8 | 0.4 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 1.5 | 0.8 | 0.4 |
| E.RELIEF.EC.DEV & WFP. | 0.9 | 0.4 | 0.4 |
| VOL.RELIEF AGENCY..... | 0.6 | 0.4 | 0.0 |
| C.OTHER ECON. ASSIST... | 2.4 | 2.0 | 2.4 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 2.4 | 2.0 | 2.4 |
| PEACE CORPS...... | 2.4 | 2.0 | 2.4 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 1.5 | 2.6 | 5.1 |
| LOANS.............. | 1.5 | 2.5 | 5.0 |
| GRANTS............. | 0.0 | 0.1 | 0.1 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 1.5 | 2.5 | 5.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.1 | 0.1 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 20.7 | 24.4 | 30.4 |
| LOANS.............. | 10.6 | 15.5 | 16.3 |
| GRANTS............. | 10.1 | 8.9 | 14.1 |
| OTHER US LOANS.......... | 63.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 63.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 173.4 | 58.9 | 47.3 | 1152.8 |
| IBRD | 145.3 | 42.5 | 21.5 | 559.5 |
| IFC | 1.5 | 1.3 | 0.0 | 15.7 |
| IDA | 0.0 | 0.0 | 0.0 | 229.2 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 15.9 | 0.0 | 0.8 | 34.7 |
| UNDP | 0.7 | 4.4 | 0.0 | 47.3 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 7.3 |
| EEC | 10.0 | 10.7 | 25.0 | 259.1 |

## CAPE VERDE

Cape Verde is ruled by the African Party for the Independence of Cape Verde, the country's sole political party. Government ministers, in most cases, are also senior members of the party. Many of them are former leaders of the revolutionary movement to free Cape Verde from Portuguese rule. This party leadership, headed by President Pereira, in effect rules the country. Party membership has about doubled in the nine years since independence, and the leadership group has been expanded to include technocrats whose revolutionary credentials are less strong. Still, only about five percent of the voting population belongs to the party, although it is officially open to anyone wishing to join.

The Constitution adopted in 1980 declares the party "the supreme expression of the interests of the popular masses" and designates the Popular National Assembly as the supreme organ of the state. The designation of the party as the country's governing political organization and the control of the party apparatus by senior members effectively limits the permissible range of political activity. The Assembly selects the President, who, as head of state, proposes the prime minister to the Assembly. The Assembly is elected from a slate of candidates which is proposed to the electorate by the party. Party selection of all candidates for Assembly seats restricts the freedom of choice of the individual voter.

Security responsibilities are divided between the army, primarily for external defense, and the security and police forces for internal order. Both operate under legal guidelines and leadership approved by the party.

Although Cape Verde is one of the poorest nations in the world, sizable amounts of foreign assistance, as well as remittances from Cape Verdean emigrants, prevent starvation. The current drought, now in its 17th year, drastically limits production of even basic necessities. The duration of the drought has reduced irrigated areas by about one-half and seriously diminished water supplies for domestic and industrial use. As three-quarters of the population is rural with few employment opportunities apart from farming, Cape Verdeans continue to emigrate on a major scale.

The Government, which is the largest nonagricultural employer, also controls banking, the import of basic commodities, airlines, the press, and schools. Private property rights are respected, and there is a substantial private sector which includes shops, hotels, farms, fishing, small industries such as tuna canning, and the professions.

The state of human rights in Cape Verde during 1984 changed little from that of 1983. Opposition groups outside the country continued to make allegations that dissent was suppressed by the Government. There were no reports of political killings, disappearances, torture, or arbitrary arrest.

# CAPE VERDE

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

During 1984 there were no reported instances of politically motivated deaths.

#### b. Disappearance

During 1984 there were no reported instances of officially inspired disappearances.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Although there is no evidence of torture and cruel, inhuman, or degrading treatment or punishment being used in any generalized manner, groups of Cape Verdean emigres from time to time allege that one or another of these activities takes place. Instances of beating during interrogation by security officers cannot be ruled out. Stories of torture or degrading treatment of those arrested in the 1981 demonstrations against agrarian reform (all of whom have been released) are still circulated by groups outside the country and, although these stories could not be confirmed, they may have had some validity. The Government denied them at the time but no longer reacts to the reiteration of old charges.

#### d. Arbitrary Arrest, Detention, or Exile

During 1984 there were no reported instances of people being detained, punished, or tried for the expression of views critical of or different from those of the Government. Habeas corpus exists in Cape Verde and appears to be observed for non-political offenses. Cape Verde law requires that those arrested be charged within 48 hours. In exceptional cases, and then with the concurrence of a procurator or judge, the formal charge process may be slightly delayed but must take place within five days. However, in cases of alleged crimes against state security, persons may be detained for up to five months without trial upon a judge's ruling. There is a functioning system of bail, and the right of access to a lawyer seems to be observed in practice. During 1984 there were no known political prisoners held in Cape Verde and no instances of forced exile for political or other reasons.

#### e. Denial of Fair Public Trial

Unless caught in the act, an accused must be brought before a judge within 48 hours of arrest to hear evidence from the prosecutor who would prefer charges. Counsel is supposed to be present for the accused who then may be held in custody, released on bail, or released unconditionally. Trials are conducted by one judge; a public prosecutor presents the case against an accused, who is defended by counsel. There is no jury system. Appeal is possible. Trials appear to be handled expeditiously. There is also a system of popular tribunals to adjudicate minor disputes on a neighborhood or local level in rural areas. The "judges" are usually prominent local citizens without legal training, who are appointees of the

Ministry of Justice. Their decisions can be appealed within the regular court system.

The judiciary does not have the authority to determine the constitutionality of legislation. Although, according to the Constitution, judges are independent, one former judge now living outside the country has claimed that one-party rule in practice has hampered the functioning of a truly independent judiciary. Most evidence suggests, however, that the courts protect individual rights in criminal cases.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution recognizes citizens' rights to the inviolability of domicile, correspondence, and other private means of communication. In the case of a domicile, the law requires search warrants issued by a judge. There were no known cases of arbitrary interference with privacy, family, home, or correspondence during 1984. The Constitution also contains the provision that every citizen has the right and the duty to participate in the political, economic, and cultural life of the country. This provision theoretically could be used to force participation in activities against an individual's will. However, in practice, there is no evidence to suggest it is being done.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Freedom of speech and intellectual creativity, including the rights of authorship, are proclaimed in the Constitution. The Constitution also stipulates, however, that none of the rights and freedoms may be exercised "contrary to national unity," and it institutionalizes the party's political leadership. Moreover, freedom of the press is not a specific constitutional guarantee. The weekly newspaper and radio are government owned, and follow government policies. Although occasional articles critical of some aspects of government policy are printed or broadcast, this is probably done with prior authorization. International periodicals generally circulate freely in Cape Verde, even when they carry articles critical of or unflattering to the Government, as is frequently the case with Portuguese newspapers. International radio broadcasts are received clearly without interference. Censorship of movies is practiced, although it is not known if the criteria are political or primarily to protect public morals. Local radio broadcasts carry items from Western agencies as well as from Communist countries, generally identifying sources on controversial international issues and balancing off, for example, Tass reports with others from Western sources. It is unlikely that establishment of print or other media enterprises not subject to government control would be permitted.

### b. Freedom of Peaceful Assembly and Association

The freedom to meet, to associate freely, and to demonstrate is guaranteed in the Constitution. However, as a practical matter, no organizations antithetical to government actions or policies would be permitted. Private associations other than sports clubs or religious youth groups do not exist and would have to be authorized. Party-sponsored "mass organizations" of women and youth are prominent, however.

Workers in several sectors are organized into unions within the national union structure which is affiliated to the sole political party and is headed by a high-ranking member of the party. Although the national union confederation claims to be independent of the party, the two are closely tied. Individual unions perform some traditional trade union functions and act also as party affiliates. The right to strike is guaranteed but is rarely used, even though union leadership has taken positions on specific issues opposed to government policies in state enterprises. The national union confederation participates in the International Labor Organization and is affiliated to the Organization of African Trade Union Unity, but has not taken positions independent of those officially sanctioned by the Government. It maintains contact with and receives assistance from both Communist and non-Communist national unions abroad.

### c. Freedom of Religion

The Constitution separates church and state. Freedom of worship is respected by the Government, and members of all faiths practice their religion without harassment. Two-thirds or more of the population, probably including most of the government leadership, are nominally Catholic but the dominance of Catholicism does not appear to affect adversely other faiths. Evangelical Protestants and Seventh-Day Adventists are the two other principal religious communities. There are no restrictions on religious practices, teaching, or contacts with coreligionists outside Cape Verde. A few foreign missionaries and foreign members of the clergy are active in Cape Verde.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no extraordinary legal or administrative restrictions on either travel or residence within the country. However, all resident Cape Verdeans wishing to leave the country, either temporarily or permanently, must obtain exit permission from the Government. Such permission has not been denied for political reasons. Emigration has long been an important and recognized escape valve from prevailing harsh economic conditions. Repatriation is a constitutional right of the citizen, and the Government does not discourage intending repatriates.

The law allows for revocation of citizenship on several grounds, including activities contrary to the interest of the country. However, there are no known cases of the Government instituting proceedings to deprive persons of citizenship for political reasons. There are at most only a handful of foreign refugees in Cape Verde.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The party's monopoly of power in Cape Verde is inscribed in the Constitution. Opposition parties do not exist and are not permitted. The small group of men who actually led the struggle for independence occupy positions of leadership in both the party and the Government. The Secretary General of the party is President of the Republic; the Deputy Secretary General is Prime Minister; and the third-ranking party official is President of the National Assembly. Altogether, eight of nine members of the party's political commission are also ministers; the other manages day-to-day activities of the party. Not all ministers or secretaries of state are party members; however, all clearly serve at the pleasure of the party. At the time of the party's second and most recent congress in 1983, there were 5,860 members, probably representing about five percent of the total adult population. This represented a doubling of party membership since independence in 1975. Women, at 14 percent of the total party membership, are underrepresented. The party is also young (47 percent under 30 years of age), disproportionately urban (50 percent in a nation which is more than two-thirds rural) and heavily representative of the bureaucracy (25 percent of party members are civil servants or employees of state enterprises). Within the elitist party, there exists a modest scope for meaningful political activity. The delegates to the second party congress and the leadership itself were elected by secret ballot with some unexpected changes in the order of precedence for various ministers. There was also an evident opening at the top level of the party to give individuals possessing less solid revolutionary credentials more prominent roles; 15 of 42 members and alternates, including three women, were elected to the national council for the first time.

The Popular National Assembly, last elected for a five-year term in 1980 from a party-approved list of candidates, is designated as the supreme organ of the Government. In fact, most day-to-day decisions are delegated to the Council of Ministers. The Assembly meets twice yearly in sessions at which earlier party/government decisions appear to be ratified. Although issues are debated openly with critical interventions reported in the media, earlier policy decisions made by the Council of Ministers are not reversed. Deputies who believe the interests of their constituencies are harmed by government policies or decisions feel free to criticize these policies or decisions and do so.

## Section 4 Governmental Attitude Regarding International and Non-Governmental Investigation of Alleged Violations of Human Rights

The Government in the past has permitted visits by private organizations to check on conditions of persons convicted for political or related offenses. There are no known instances in which the Government has been the subject of resolutions, investigations, or other human rights actions by official international organizations A few Cape Verdean emigrants living abroad have consistently made charges of human rights violations. These charges may have affected internal policies, given the Government's major effort to maintain close relations with the large communities of Cape Verdean emigrants around the world. There are no known internal official or non-governmental human rights organizations in the country. Amnesty International in its 1984 Report noted that the Government had released 18 persons convicted in 1982 for offenses against the security of the state, and repeated its charge that there had been insufficient evidence at their trial to prove their guilt. Freedom House terms Cape Verde "not free."

# CAPE VERDE

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The Government gives a high priority to the prevention of famine, which has been averted since independence through food aid provided primarily by Western countries. Up to 20 percent of donated emergency food is distributed free to the old, infirm, or others unable to work. The remainder is sold under the terms of agreement with the donor and the proceeds used in development projects. The Government also has given priority to emergency development programs, financed primarily by foreign grants, to provide jobs for agricultural workers displaced by drought. Water and soil conservation programs and road and school construction are emphasized. Primary school attendance (age 7 to 12) has increased 300 percent since independence and is now available to about 80 percent of this group. Nonetheless, school conditions continue to be characterized by overcrowded classrooms and a paucity of trained teachers.

Over the past 150 years recurrent droughts and high unemployment (currently about 33 percent) have led to massive emigration, resulting in a large Cape Verdean overseas population estimated at about 500,000, of whom some 300,000 live in the United States. Emigrant remittances and official aid account for two-thirds of the country's gross national product (GNP). (U.S. food and development aid since independence exceeds $56 million.) Per capita GNP is estimated at about $350. The population of Cape Verde is about 310,000 and growing at a rate of 2 percent a year. With an infant mortality rate estimated at 76 per 1,000 live births and an overall death rate in 1980 of 8 per thousand, life expectancy at birth is 62 years. The adult literacy rate is 37 percent.

Racial discrimination is not a problem in Cape Verde, where the vast majority of the population shares various proportions of Portuguese-African ancestry. Sex discrimination exists sociologically, although banned by the Constitution. Many of the traditional, male-oriented values of the Portuguese and African ancestors of today's Cape Verdeans are still part of the country's culture. Women have been customarily excluded from certain types of work and are often paid less than men for comparable work. The Government has included women in the labor-intensive economic development projects financed by foreign grants. Both the Government and the party are making efforts to bring women into various economic and social activities where they have been traditionally absent. The Organization of Cape Verdean Women was founded in 1980, with party encouragement, to sensitize the Government and Cape Verdeans on issues affecting women. The code of the family, enacted in October 1981, prescribes full legal equality of men and women, including equal pay for equal work.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: CAPE VERDE

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 6.0 | 4.9 | 6.5 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 6.0 | 4.9 | 6.5 |
| A.AID ................ | 3.5 | 2.2 | 2.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 3.5 | 2.2 | 2.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 2.5 | 2.7 | 4.5 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 2.5 | 2.7 | 4.5 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 2.5 | 2.7 | 4.5 |
| E.RELIEF.EC.DEV & WFP. | 2.5 | 2.7 | 4.5 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 6.0 | 4.9 | 6.5 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 6.0 | 4.9 | 6.5 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 17.9 | 9.1 | 1.1 | 39.4 |
| IBRD | 0.0 | 0.0 | 0.0 | 0.0 |
| IFC | 0.0 | 0.0 | 0.0 | 0.0 |
| IDA | 0.0 | 7.2 | 0.0 | 7.2 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 15.7 | 0.0 | 1.1 | 23.4 |
| UNDP | 1.9 | 1.9 | 0.0 | 7.8 |
| OTHER-UN | 0.3 | 0.0 | 0.0 | 1.0 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## CENTRAL AFRICAN REPUBLIC

General Andre Dieudonne Kolingba has headed the Government of the Central African Republic since his accession to power in a bloodless coup on September 1, 1981. As head of the Military Committee for National Recovery, he holds all political power and is the final arbiter of all governmental matters. His all-military cabinet of ministers is supplemented by a small group of high commissioners who are largely technocrats.

Political party activities were suspended by Kolingba when he took power from David Dacko whose regime (1979-1981) had been characterized by politically exacerbated regional and tribal cleavages. Prior to that, Emperor Bokassa's control of the Government, the armed forces, the judiciary, and the sole political party was absolute.

During 1984 the Government faced less opposition than in prior years. A student strike in January, however, led to the arrest of several student leaders and several prominent political oppositionists.

The Central African Republic is a poor, landlocked, sparsely populated country. Its inhabitants for the most part derive their livelihood from subsistence agriculture. Only about one percent of the population has had university education. The essentially free enterprise agrarian economy, one of the world's least monetized, has suffered from inadequately coordinated and implemented government policies, occasional drought, and a poorly trained work force. Expatriates dominate the small manufacturing and commercial sectors of the economy. Corruption and abuse of position by public officials present additional difficulties. The Government has, however, taken some effective if modest steps to reduce corruption and increase the efficiency of the bureaucracy.

The number of political prisoners fluctuated during the year. Many were released during the course of the year until the fall when several dozen people, some prominent, were arrested for reasons that remain unclear. However, on December 31, 1984, President Kolingba ordered the release of 53 political prisoners, including several prominent opposition leaders.

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

There is no evidence of killings or summary execution for political motives by government forces.

#### b. Disappearance

There is no evidence that people have been abducted, secretly arrested, clandestinely detained, or that they disappeared as a result of government action.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The penal code prohibits torture and provides for sanctions against persons guilty of physical abuse. Nevertheless, there are reports of beatings in prisons and of inadequate medical attention. Conditions in prisons are poor.

d. Arbitrary Arrest, Detention, or Exile

Kolingba's Government has on occasion engaged in arbitrary arrest and imprisonment, particularly during its early months in power. When people are arrested, in some cases it may be a few days before their whereabouts are publicly known. Family members, legal counsel, doctors, and ministers of the faith have as a rule been given access to prisoners. Amnesty International reported that there had been more than 100 untried political detainees in Kassai camp at the beginning of 1983, but that 65 had been tried during the year and most of the others released uncharged. In 1984, the majority of those who were held for political reasons until the December 31, 1984 amnesty were considered to be major opposition leaders or figures capable of stirring up opposition to the regime. There are occasional reports of people arrested for simply criticizing the regime. In addition to the major political prisoners amnestied, a number of minor political prisoners were also released on December 31, 1984. It is difficult to say how many political detainees still remain since people continue to be picked up under suspicion and are only released when absolutely no evidence is found against them. Probably several dozen political detainees remain.

Under local law political detainees can be held without charge for as long as two months, but at that point detainees must either be formally charged or released. If charged, local judicial procedures (which are modeled on French procedures) allow for open-ended preventive detention while the public prosecutor prepares the state's case against the accused. Some political detainees are held much longer than two months, however, without formal charges being brought against them. Neither common criminals nor political prisoners can claim the right of habeas corpus. However, a procedure exists requiring that within a maximum of 96 hours in the first case and two months in the second, a detainee must physically be brought before an examining magistrate who considers whether formal charges will be filed against the prisoner.

In January 1984, five political opposition leaders, Messrs. Goumba, Maidou, Bozanga, Bomba-Bangabo and Sokambi, were placed under house arrest and "exiled" to the interior of the country. They were accused of inciting the students during their strike in protest of the Government's decision to establish competitive requirements for university scholarships and the civil service. In August 1984, Patrice Endjimoungou, secretary general of an illegal political party, was rearrested and exiled to the interior of the country for allegedly not respecting the political truce he had agreed to upon his release from prison in an amnesty granted by the President on September 1, 1983. However, President Kolingba signed a decree on December 31, 1984 releasing these 6 opposition leaders along with 47 other political prisoners. Another notable released was Joseph Potolot-Ngbanbadimbo, former Director General of the Central African Office of Social Security and close collaborator of emperor Bokassa. In addition, 14 people including some of those condemned by the special tribunal for involvement with the March 3, 1982 coup attempt had their sentences reduced.

About a half dozen well-known political opponents live in exile. Several have been sentenced to death in absentia for crimes against the state ascribed to them.

### e. Denial of Fair Public Trial

In most common criminal cases, the Government permits the French-modeled legal procedures to be fairly and openly applied and the laws to be properly executed. Within this framework, Kolingba granted amnesty to about 100 petty criminals in September 1984. The courts are clearly dependent on the President. The Constitution, currently in suspension, nevertheless states that the judiciary is independent of the executive, but that its independence is guaranteed by the President.

A special tribunal comprising civilian magistrates and military advisers adjudicates political crimes. The special tribunal differs from ordinary courts in that there is no appeal except for the possibility of presidential clemency, and it can try a case only after being authorized by the President. The right of political detainees to counsel is not clear. In 1984 the tribunal met to consider the cases of persons accused of plotting the March 3, 1982, attempted coup d'etat. At least six persons were acquitted, and most of the others were given 3- to 8-year prison terms. Two former government officials each received 10-year prison terms for plotting against the security of the state. Those believed to be the instigators of the coup, Messrs. Pattasse, Mbaikou, and Bozize, remain in self-imposed exile.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Except for political and security matters, the Government does not generally intervene in the private life of citizens. There is no forced membership in any political organization; there is no interference with the right to marry or have children as one chooses; and parents are free to teach their children religious practices. The criminal code prohibits the invasion of the home without due process, and this right is apparently not generally abused in civil and minor criminal cases. If a political crime is involved, however, ordinance 81/035 (which instituted the special tribunal) authorizes searches any time, anywhere. These searches have been conducted without specific warrant.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The right to speak openly about political developments or to criticize the Government is circumscribed. The Government prohibits the distribution of tracts and literature deemed to be subversive. During 1984 several newspapers started publication on an irregular basis. Whether published privately or by the Government, they are carefully monitored. Both the radio and television are controlled by the Government. The television station was closed down in September 1984 by the President due to dissatisfaction with the quality of the transmission.

### b. Freedom of Peaceful Assembly and Association

Only sports enthusiasts and devotees of cultural or religious pursuits of a non-political nature can assemble without fear of government repression. No effective labor movement has existed since the Government, in 1981, suspended trade union activities. The Government frowns on organized labor activities, although it tacitly approves of an apoliticized labor federation that exists mostly on paper. The International Labor Organization (ILO) has a case pending before it involving the Central African Republic's alleged violations of the right to freedom of association under ILO Convention 87. The Government has yet to provide the substantive information requested by the ILO committee reviewing the case. The Government has also been cited in the ILO for being in violation of ILO Conventions 29 and 105, for allegedly imposing compulsory labor on prisoners jailed for unauthorized political activities. In principle, the right to strike exists although fear of government reprisals has dampened the enthusiasm of potential strikers. However, university and school students went on strike for a month in January 1984 to protest government decrees establishing competitive entrance examinations in both the university and the civil service. Several student leaders were briefly arrested as were five political opponents whom the Government accused of fomenting anti-government sentiment among the students.

### c. Freedom of Religion

Religious organizations and missionary groups are protected and provided religious freedom by the Constitution, currently in suspension. The Government does not generally interfere with religious activities. The expulsion of approximately 60 foreign adherents of the Unification Church in January 1983 is the only known exception. No one religion predominates, nor does the Government appear to discriminate in favor of or against specific religions. About one-fourth of the population adheres to animist beliefs.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

People are generally free to move about within the country, although there are frequent road checkpoints. The right of voluntary travel and repatriation is recognized, and there appears to be no sexual discrimination in its application. Financial and educational constraints rather than government controls restrict most foreign travel and emigration. The country remains relatively hospitable to foreigners; the largest foreign population living temporarily or permanently in the country is from Chad. There are about 5,000 refugees in the Bangui capital area. While some make a living on their own, the vast majority rely on U.N. relief. In September and October, approximately 30,000 refugees--mostly women, children, and the aged--arrived in the north from southern Chad. Although they have settled temporarily in border towns, the Government is working with the United Nations High Commissioner for Refugees (UNHCR) to move them to settlements farther away from the border. No case of revocation of citizenship was reported in 1984.

## CENTRAL AFRICAN REPUBLIC

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Government is headed by Chief of State General Andre Dieudonne Kolingba. He rules with the assistance of 15 fellow officers who constitute the Military Committee For National Recovery, each of whom also holds a cabinet post. In addition, he is advised by eight civilian High Commissioners who head their own departments.

President Kolingba holds in principle all political power, appointing, dismissing, and reshuffling members of his cabinet. In practice, he allows his cabinet considerable leeway in the day-to-day activities of government administration although he makes all important policy decisions and is the final arbiter of all government matters. Since September 1, 1981, all forms of public and private assembly for political purposes have been proscribed. Kolingba has stated he has "no intention of returning his country to the turbulent multiparty experience of the Dacko Regime." His September 1984 promise of "progressive establishment of democratic institutions" seems unlikely to lead to any quick or far-reaching changes in political rights.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Government does not welcome and is sensitive to international or non-govermental investigations of alleged human rights abuses but does not prohibit such investigations. Representatives of Amnesty International and the International Committee of the Red Cross visit Bangui periodically to attend public trials and to assess the situation in the prisons. In its 1984 report, Amnesty International was concerned about the imprisonment of prisoners of conscience, long term detention without trial of suspected opponents of the Government, procedural shortcomings at the trials of political prisoners, and allegations of harsh prison conditions. Freedom House terms the Central African Republic "not free."

### ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The economy has suffered in the past 15 years from poor policies, inept management, and corruption. The Government's ability to stimulate the economy depends on massive and long-term contributions of financial and human resources from abroad. Current government plans focus on strengthening the agricultural sector, primarily through road building/ maintenance programs and encouraging cash crop production, and on upgrading other basic infrastructure. Agricultural production during 1984 was good. The cotton harvest surpassed official estimates, and the coffee crop also did well despite the damages from the 1983 drought. In 1982 per capita gross national product was around $308. During 1984 the Government continued to implement austere financial measures for its civil service and budget for a third straight year. The Government made major efforts to reduce the bloated civil service. Thus, urban employment conditions became especially poor. Current government policy aims to discourage rural migration by promoting rural development; 1984 increases in the price of cotton may discourage the rural exodus.

## CENTRAL AFRICAN REPUBLIC

Despite the ravages of tropical diseases and an infant mortality rate of 135.7 per 1,000 live births, the country's population of about 2.6 million still grows by 2.8 percent per year. Life expectancy at birth is only 47 years, because of inadequate or simply nonexistent health care in most of the country. Although health care is accorded a high priority by the Government, it is handicapped by lack of trained personnel, and the inaccessibility of large parts of the country. In 1976, 40 percent of the urban population and 5 percent of the rural populaton had access to safe water; in all, 16 percent of the country's population had access to safe water. In 1977, the average Central African received 95 percent of the required caloric supply.

Almost all education in the country is government supported. Total school population is about 310,000 (primary through university levels). In 1980, about 67 percent of the adult population was illiterate (51.7 percent of the men and 80.8 percent of the women); undoubtedly this rate is far higher in the rural areas. The Government is making a concerted effort to train more teachers and to build more schools for those living outside the capital. In 1979, primary school enrollment was 96.72 percent of males and 52.54 percent of females of primary school age.

Women are generally accorded a lower status than men in the Central African Republic. Their work at home and in the fields prevents many of them from receiving an education. Polygamy is common, but the legal system and traditional practice support the rights of wives and all children of such marriages. A National Women's Organization exists which is supported by the Government. There are no women cabinet members or high commissioners in the Kolingba Government.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: CENTRAL AFRICAN REPUBLIC

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 2.7 | 1.5 | 3.6 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 2.7 | 1.5 | 3.6 |
| A.AID .................. | 1.0 | 0.0 | 1.2 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 1.0 | 0.0 | 1.2 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 0.2 | 0.0 | 0.4 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.2 | 0.0 | 0.4 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.2 | 0.0 | 0.4 |
| E.RELIEF.EC.DEV & WFP. | 0.2 | 0.0 | 0.4 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 1.5 | 1.5 | 2.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 1.5 | 1.5 | 2.0 |
| PEACE CORPS...... | 1.5 | 1.5 | 2.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.1 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.1 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.1 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 2.7 | 1.5 | 3.7 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 2.7 | 1.5 | 3.7 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 28.3 | 39.7 | 7.7 | 253.0 |
| IBRD | 0.0 | 0.0 | 0.0 | 0.0 |
| IFC | 0.0 | 0.0 | 0.0 | 0.0 |
| IDA | 18.0 | 21.4 | 0.0 | 79.2 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 8.7 | 14.9 | 5.4 | 62.5 |
| UNDP | 1.6 | 3.4 | 0.0 | 28.9 |
| OTHER-UN | 0.0 | 0.0 | 2.3 | 8.0 |
| EEC | 0.0 | 0.0 | 0.0 | 74.4 |

## CHAD

Chad is governed by an authoritarian regime dominated by President El Hadj Hissein Habre, who came to power in 1982. He heads a French-style Council of Ministers which, along with an appointed National Consultative Council, comprises the executive and legislative branches of the Government. President Habre established in 1984 a single-party heterogenous political organization, the National Union for Independence and Revolution, to attract wider multi-ethnic representation. Chad has been in a state of civil strife since 1965, with various factions and as many as 11 different armies, contending for control of the country. During the prolonged civil war, institutions that might be expected to provide for the protection of human rights, such as the judiciary, largely disintegrated.

The northern third of Chad was under military occupation in 1984 by an estimated 5,000 Libyan troops and some 6,000 Libyan-supported rebel forces, headed by ex-President Goukouni Oueddei. Elsewhere, southern insurgents increased operations throughout parts of central and southern Chad against military and civilian targets. Together with government reprisals, this action created a cycle of escalating violence and human rights violations. Owing to indiscipline, government and rebel forces alike committed arson, rape, robbery, and summary executions.

In 1984 Libya concluded but did not honor an agreement with France for mutual military withdrawal from Chad. Since occupied Chad was closed to outside observers, it is difficult to document human rights abuses in the north, but reports suggest a record of massive violations by the Libyans. In this desert region they banned Chadian customs as well as the French language, and Libyan leader Colonel Muammar Qadhafi tried to inculcate his social-political philosophy. Libya also continued to funnel materiel and money to the insurgents in southern Chad throughout the year. The southern insurgents' unwillingness to resolve their differences with the Government reflects the difficulty of getting the country's diverse ethnic and religious groups to make common cause. This report addresses human rights concerns in both occupied and unoccupied areas.

Despite military action on several fronts, the Habre Government took some important steps in 1984. It cooperated with the International Committee of the Red Cross in March to ensure prisoners of war better treatment. It amnestied 150 political prisoners on May 19. It returned to Sudan in September 121 Sudanese mercenaries held as prisoners of war. It is pursuing an accommodation with dissidents in exile, whom it hopes to integrate into Chad's sole political party. Despite the lack of success in 1984, the Government is attempting to come to terms with the dissidents in southern Chad and to integrate them into the Chadian national armed forces. Moreover, it strengthened Chad's judicial administration by naming additional judges. If Libya would honor its mutual troop withdrawal agreement with France, prospects for national reconciliation and the human rights situation would be enhanced.

Chad's five million people remain extremely poor. About 90 percent of the population are semi-nomadic or in subsistence agriculture. The country derives its foreign exchange and much of its national income from the sale of cotton and livestock; the modern monetized economy involves essentially only the small minority of people in Chad's four cities or their environs. Apart from the capital city of N'Djamena, much of Chad's agricultural and industrial activity occurs in the south. The insurgency there impedes economic growth, exacerbating the lack of investment capital and the effects of a drought of historic proportions.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

### a. Political Killing

The continuing war with Libya and the southern insurgency and the Government's efforts to combat it have all led to killings for political reasons. In southern Chad, the claims and counterclaims of arbitrary executions by government and rebel forces make an exact rendering of the number of political killings impossible.

One of the dissident groups, the "Organization for the Liberation of Chad from Imperialism and Fascism," claimed responsibility for the assassination of nine Chadian and three Zairian soldiers between February 9 and March 11. On March 10, a commercial airliner was blown up on the ground at N'Djamena airport by an unknown opposition group, injuring 28 persons and killing one. An insurgent group charged in April that government forces had killed 90 civilians and wounded another 70 in the Beinamar/Laramanaye regions of southern Chad during the last 2 weeks of February, but other sources suggest the number killed and wounded was substantially less.

Increased insurgency in August, September, and October resulted in perhaps a dozen summary executions of southerners suspected of supporting the rebel forces. Thirty to 40 innocent civilians may have been killed in the crossfire of skirmishes between government and rebel forces. In reprisal for attacks by rebels, government forces are known to have burned several southern villages, causing the death of an unknown number of civilians. The rebels are reported to have assassinated several southerners who supported the Government.

The Libyan occupation of northern Chad was marked by alleged executions of an unknown number of political opponents during much of the year. Several Chadians, who once supported rebel forces in the occupied zone, have asserted that Libyan troops had indiscriminately killed many Chadians fleeing south in 1984.

### b. Disappearance

Against the backdrop of increasing violence, there were a number of reports of disappearances in all areas: of Chadians who refused to collaborate with insurgents in southern Chad; of several persons detained by the Government for suspected symphathy with rebel forces, including two seriously wounded rebel soldiers; and of Chadians in occupied Chad who refused to collaborate with the Libyans. Rebel forces in the north abducted two Belgians (employed by the non-governmental organization, Doctors without Frontiers) on January 24 in the course of a raid against a government outpost. Upon their release in Tripoli, Libya, on April 2, a spokesman for the rebel group warned humanitarian organizations to abstain from helping "the enemy" or risk having their personnel treated as mercenaries.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Reports indicate that incidents of torture occurred during 1984. One person who claimed to have been incarcerated in a detention center at the Chadian Presidency ("Les Jardins"), alleged hearing screams of pain there. Rebel prisoners interviewed by French journalists in late September stated that they had been harshly treated by the Government and that about 50 had died of torture or hunger. However, they also confirmed that conditions improved after the International Committee of the Red Cross (ICRC) took responsibility for their welfare in March. One former prisoner asserted that some prisoners who had not had ICRC attention slowly starved because they had no family to provide them with food and the Government claimed it did not have the resources to do so. In the countryside, government forces have been accused of arson and rape, and of lesser humiliations of persons thought to be sympathetic to rebel forces. The Government has acknowledged these abuses and in some cases disciplined the soldiers and officials responsible. Rebels in southern Chad have maimed peasants who have refused to cooperate with them. In the north, reports indicate that the occupation forces deprived detainees of food, water, and medicine, and used other forms of torture in consolidating control.

d. Arbitrary Arrest, Detention, or Exile

In non-occupied Chad a well-developed criminal code has evolved from the corpus of law inherited from France. No analogous code of law governs the detention of persons thought to be endangering the security of the state. A majority of the detainees in Chad are persons captured in combat or counterinsurgency operations. Few, if any, of them have been charged with treason or espionage by an independent judiciary. The Government has detained without warrant about 1,000 persons for political opposition. Such persons were among the 150 political detainees amnestied on May 19. The Government of Chad stated that El Hadj Ali Mohammed, an Imam at Abeche, is now free; Amnesty International was concerned that he had been detained without charge.

Libyan occupation forces allegedly deported about 1,200 young Chadian women and girls to Libya between July 1983 and March 1984. During the same period, some 2,000 males between the ages of 14 and 40 were reportedly impressed into the Islamic Legion, a Libyan-organized mercenary force.

e. Denial of Fair Public Trial

Chad's criminal code prohibits unjustified police arrests and sets out clearly the rights and responsibilities of detainees, prosecutors, and magistrates. The code also ensures a detainee's right to be represented by counsel and to be charged or released within a specified period of time, or to be informed of the charges against him which warrant preventive detention. These rights were particularly neglected during 1978-1982, at the height of the civil war. The Government has increased the number of judges, and lately investigating magistrates are applying these provisions of the

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: CHAD

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 6.2 | 5.3 | 16.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 6.2 | 5.3 | 16.0 |
| A.AID ................. | 3.7 | 2.0 | 11.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 3.7 | 2.0 | 11.0 |
| (SEC.SUPP.ASSIST.)... | 2.8 | 0.0 | 3.0 |
| B.FOOD FOR PEACE....... | 2.5 | 3.3 | 5.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 2.5 | 3.3 | 5.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 2.5 | 3.3 | 5.0 |
| E.RELIEF.EC.DEV & WFP. | 1.2 | 1.9 | 3.8 |
| VOL.RELIEF AGENCY..... | 1.3 | 1.4 | 1.2 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 2.2 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 2.2 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 2.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.2 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 6.2 | 5.3 | 18.2 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 6.2 | 5.3 | 18.2 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 20.3 | 4.5 | 0.0 | 275.4 |
| IBRD | 0.0 | 0.0 | 0.0 | 0.0 |
| IFC | 0.0 | 0.0 | 0.0 | 0.0 |
| IDA | 0.0 | 0.0 | 0.0 | 80.4 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 15.1 | 0.0 | 0.0 | 49.1 |
| UNDP | 5.2 | 4.5 | 0.0 | 29.5 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 9.6 |
| EEC | 0.0 | 0.0 | 0.0 | 106.8 |

freedom of association, and employment discrimination. Concern was also expressed that provisions of Chadian law appeared to violate these conventions. In 1984 the Committee noted the serious problems faced by Chad in fulfilling its obligations and called for ILO assistance to the Government.

In the Libyan/rebel-occupied area of northern Chad, indigenous Chadians were prevented from gathering in groups numbering more than three persons in the large oases of Faya Largeau and Fada during at least part of the year.

### c. Freedom of Religion

Islam, Christianity, and animism are freely practiced. The country has remained multi-religious despite domestic and foreign pressures in favor of Islam. More than 50 percent of Chad's population profess faith in Islam, and the percentage is growing. Recently several high-level Chadian officials have said that Catholic priests in southern Chad are abetting the insurgents. Yet there is no information to suggest that the practice of Christianity or animism is a bar to advancement in government service. The Libyans limit religious practice in the occupied zone, in keeping with Colonel Qadhafi's view of his mission to spread Islam.

### d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The movement of persons throughout Chad continues to be circumscribed by the insurgency and occupation. The Libyan occupation of northern Chad compelled some 80,000 persons to relocate elsewhere in Chad. Chadians remaining in the occupied zone could move from one area to another only if they possessed passes issued by Libyan officials. Unconfirmed reports indicate that up to 40,000 Chadians sought refuge in the Central African Republic and 110,000 in Sudan, owing to the combined effects of drought and insurgency. The increased violence in southern Chad during the last half of 1984 reversed the flow of refugees returning to Chad. In the south travel has been further impeded by roadblocks set up by government forces and by rebel ambushes. International travel is permitted. Chadians may obtain regular passports by paying about $42, provided they have been cleared by Chad's internal security services; and regulations call for these investigations normally to be completed within a week. There are no known instances of the denial of a passport or laissez-passer for political reasons. The Government announced that all Chadians in exile are free to return to Chad.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The present political system does not allow for change of government by the people. Chad continues to be governed by President El Hadj Hissein Habre who heads a French-style Council of Ministers complemented by an appointed National Consultative Council. Both councils are carefully balanced ethnically and regionally. President Habre draws his authority from the allegiance of a large part of the armed forces and the security services of the country's sole political party, the National Union for Independence and Revolution. Created in June 1984, the party embraces a much wider ethnic representation than did its predecessor, the Command Council of the Northern Armed Forces, and its establishment was intended as a step toward the participation of a larger number of Chadians in the country's political life. President Habre plans eventually to enlarge the party's executive structures in order to accommodate Chadians in exile. The party's by-laws mandate the popular election of lower-level officials who, in turn, will vote for party officers at the level immediately above. No elections have yet been scheduled. At present, laws, decrees, and ordinances are decided jointly only by the President and the Council of Ministers.

In the occupied zone, Libyan military and civilian officials have obliged Chadians to establish "people's committees" modeled on those in Libya. The leadership of the rebel "Transitional Government of National Unity" (GUNT) is Chadian; its head is former president Goukouni Oueddei. GUNT represents various factions indebted to Libya.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

Amnesty International in its 1984 report (covering 1983) expressed concern about alleged extrajudicial executions and the detention without trial of real or suspected political opponents of the Habre Government. Amnesty International also reported in 1984 on violations in the south, including summary executions by government forces. In November 1984, the Government sharply criticized Amnesty International and said attention should be focused on the root cause of the situation, the Libyan occupation. In the occupied zone, Amnesty International has not been permitted to probe into alleged violations of human rights. Nevertheless, it has reportedly charged the Libyan authorities with implementing summary justice and executions.

The International Committee of the Red Cross (ICRC) suspended its operations in the occupied zone in May owing to its inability to visit government troops held prisoner by rebel and Libyan forces. In unoccupied Chad, the ICRC has been operating with minimal restrictions since March. The League of Red Cross and Red Crescent Societies and the Chadian National Red Cross continue to provide large quantities of food and medicine to Chadians who have been affected by an unprecedented drought. Freedom House rates Chad "not free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Civil strife has ravaged much of Chad in the last 19 years, but continuing drought and increasing desertification have exacerbated the decline in national output in the last year. The typical Chadian lives in a pre-industrial and pastoral economy, and the per capita GNP of $78 (1982) will undoubtedly be reduced further next year because of persisting unfavorable climatic conditions. Throughout much of 1984, France's 3,000 troops in Chad buoyed up small-scale commercial activities and private investment, but their departure under the Franco-Libyan troop withdrawal accord will depress economic growth.

Mortality and longevity rates, like national income data, show that Chad's population of about 5 million people ranks among the world's most underprivileged. World Bank data for 1984 indicate that life expectancy at birth is 44.1 years and infant mortality is 141.9 per 1,000 live births. However, other figures suggest average life expectancy lies in the range of 40-43 years and the infant mortality rate between 150 and 210 per 1,000 live births. The Ministry of Health estimates that there are only 20-30 Chadian physicians in the entire country, and perhaps another 75 physicians are affiliated with non-governmental organizations; goverment per capita health expenditure ($0.90) is also one of the lowest in the world. It is certain that the typical Chadian now satisfies much less than the 74 percent of the suggested caloric requirement that was recorded in 1977, a year considered good by current standards. An ever-increasing number of Chadians depend on international food aid to keep alive. Up to 3,000 people died of starvation in 1984. No more than 26 percent of the population had access to safe drinking water in 1975, the last year for which reliable data are available. Only 20 percent of the population is functionally literate, and in 1976 primary school enrollment was only about 34 percent of the primary school-age population. Despite the hostilities, most of the educational institutions in unoccupied Chad are now being operated in some way after being closed for five years.

Women are generally subordinate to men in Chadian society. Girls do attend school at all levels of the educational system. Some women participate in the political life of the country as, for example, the Minister of Social and Women's Affairs, who is also a member of the party's Executive Committee. Some women serve voluntarily in the armed forces, and some figure prominently in the labor movement. Although figures are not known, many women and their children have been left homeless and without adequate means of support, with their husbands missing or dead in civil strife. Widows and orphans are, however, often taken care of by members of the extended family.

Economic and demographic data pertaining to occupied Chad are not available. Much of the northern desert economy was damaged by intense Libyan bombing in 1983. Several reports indicate that sizable quantities of livestock were shipped to Libya during 1984 without compensation paid to their Chadian owner/herders. Persons who have escaped from occupied Chad have alleged that the Libyans use food as a weapon to keep inhabitants in line.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: CHAD

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 6.2 | 5.3 | 16.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 6.2 | 5.3 | 16.0 |
| A.AID ................. | 3.7 | 2.0 | 11.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 3.7 | 2.0 | 11.0 |
| (SEC.SUPP.ASSIST.)... | 2.8 | 0.0 | 3.0 |
| B.FOOD FOR PEACE....... | 2.5 | 3.3 | 5.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 2.5 | 3.3 | 5.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 2.5 | 3.3 | 5.0 |
| E.RELIEF.EC.DEV & WFP. | 1.2 | 1.9 | 3.8 |
| VOL.RELIEF AGENCY..... | 1.3 | 1.4 | 1.2 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 2.2 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 2.2 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 2.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.2 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 6.2 | 5.3 | 18.2 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 6.2 | 5.3 | 18.2 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 20.3 | 4.5 | 0.0 | 275.4 |
| IBRD | 0.0 | 0.0 | 0.0 | 0.0 |
| IFC | 0.0 | 0.0 | 0.0 | 0.0 |
| IDA | 0.0 | 0.0 | 0.0 | 80.4 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 15.1 | 0.0 | 0.0 | 49.1 |
| UNDP | 5.2 | 4.5 | 0.0 | 29.5 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 9.6 |
| EEC | 0.0 | 0.0 | 0.0 | 106.8 |

## THE COMOROS*

The Federal Islamic Republic of the Comoros is a federation of three small islands of the Comoran archipelago, which lies at the northern entrance to the Mozambique channel. The Republic lays claim as well to the fourth island of the archipelago, Mayotte, which at the time of independence in 1975 voted to remain with France. A Constitution adopted by popular referendum in 1978 established a federal system with elected governors for each island and an elected presidency.

President Ahmed Abdallah Abderemane unilaterally declared the archipelago's independence from France in 1975, after 90 years of colonial tutelage. Overthrown in late 1975, he was returned to power in 1978 following the mercenary-led ouster of the repressive, xenophobic regime of Ali Soilih. Abdallah was reelected unopposed in 1984, but the election was boycotted by the opposition. In recent years constitutional amendments have strengthened his position, notably in the appointment of governors and in the establishment of a single legal political party, the United Progress Party.

A 25-30 man mercenary force continues to train and lead the Presidential Guard, the best-equipped and prepared security force in the islands. French technical assistance is provided to the small Comoran armed forces and the gendarmerie. Each island administration also has a local police force.

Agriculture remains the basis of economic activity, but with a population of 450,000 that will double by the year 2000, the Comoros are rapidly approaching full utilization of their arable land. Exports of copra, vanilla, essence of ylang-ylang, and cloves do not begin to cover the cost of necessary imports. There are no industries, inadequate port facilities, and a limited highway and communications infrastructure. The Comoros are part of the francophone Africa monetary zone and depend heavily on France for budgetary support and technical assistance.

Products of a conservative Islamic society, Comoran leaders do not recognize the full range of civil and political liberties. Village notables and religious leaders dominate local politics while three major families, of which the President's is one, control the lion's share of the import-export business. Farming on small landholdings, subsistence fishing, and petty commerce make up the daily activity of most of the population.

The Comoros have only a rudimentary institutional framework. Outside the major towns, traditional village life guides all social conduct. Comoran justice is casually administered. The legal system is a mixture of Islamic law and an inherited

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*The United States does not have a diplomatic mission in the Federal Islamic Republic of the Comoros. This report is based on the best available information, including information gathered on several brief visits to the Islands during 1984.

French legal code. A new consolidated code is slowly being drafted. Most disputes are settled by village notables or by a civil court of first instance.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

There were no reports of political killings in 1984.

#### b. Disappearance

There were no reports of disappearance in 1984.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The federal Constitution guarantees the liberty and security of each individual. Penal discipline is very lax. Prisoners are released daily for prayers and work. Families provide them with their regular meals.

There were reports in 1983 of some beatings of political detainees, but none in 1984 (see section 4).

#### d. Arbitrary Arrest, Detention, or Exile

Although about 20 officials associated with the Ali Soilih regime were held without trial from 1978-80, 14 of these were tried in 1980 and received sentences from life imprisonment to 6 months' incarceration. According to the Government, the remaining detainees have since been released. This has not been confirmed by independent sources. Several opponents of Abdallah's administration, members of a French-based coalition, were detained in early 1984. They have reportedly been released without trial, although this has not been confirmed. In early November 1984, seven individuals were arrested and charged with plotting the armed overthrow of the Government. As of December 31, they had not been brought to trial.

#### e. Denial of Fair Public Trial

The Constitution provides for the equality of all citizens before the law and the right of all accused to defense. The judiciary is independent and trials are public. The present penal code was inherited from the French colonial period and is being revised. Most disputes are settled under traditional law by village notables. Other civil cases are brought to the courts of first instance on each of the three islands.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the inviolability of home and property. There were no known cases of arbitrary interference with privacy in 1984.

## COMOROS

### Section 2 Respect for Civil Rights, Including:

#### a. Freedom of Speech and Press

Although the Constitution guarantees freedom of expression, of thought, and of conscience, the only local news medium is the government-controlled radio station, which is self-censoring when covering domestic events. No independent local news publications exist, but there are a few clandestine tracts critical of the regime. The Comoros have no print media, although the Government plans to begin a weekly newspaper in early 1985. Foreign journals and newspapers are readily available, as are books from abroad. Comorans discuss and criticize their Government and its leading personalities in private.

#### b. Freedom of Peaceful Assembly and Association

While the Constitution states that freedom of association and freedom to form unions are guaranteed, as well as the right to strike, in practice these rights are limited. The only legal political activity allowed is within the United Progress Party. However, social occasions, such as the lavish, traditional Comoran wedding feasts, are scenes of intense political maneuvering. There were no reports of public gatherings being forbidden in 1984. Although the right to strike is guaranteed, the wage labor force is small and unions are not effectively organized. The scarcity of jobs is also a real restraint on labor complaints. In the public sector, the Government broke a teachers' strike in 1982 by hiring new teachers. Hospital workers reportedly struck in late 1983 to claim unpaid wages, and many Government civil servants engaged in slowdowns and stoppages for the same reason. Unrest appeared to ease considerably in 1984 with regular payment of wages.

#### c. Freedom of Religion

The large majority of the population (86 percent) is Muslim, and, according to the Constitution, Islam is the "wellspring of the principles and rules which guide the state and its institutions." However, most aspects of freedom of religion and the right to practice openly non-Islamic faiths are guaranteed and respected in practice. There are established churches for Protestants and Catholics. While Christian missionaries work in local hospitals and schools, they are not allowed to proselytize openly.

#### d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on freedom of movement in and out of the Comoros for either citizens or foreigners. Travel within the Comoros is also unrestricted for citizens and foreigners. There is an exile community that opposes the Government, but no exiles who returned to the Comoros in 1984 are known to have been subjected to reprisal by the Government.

## COMOROS

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

President Abdallah has dominated the Comoran Government since his return to power in 1978 and, unopposed, was overwhelmingly reelected to a second term as President in September 1984. A member of the French-based opposition to Abdallah reportedly attempted to get his name on the ballot but was disqualified on technical grounds. There were also unverified charges of electoral fraud during the presidential election, and non-Comoran observers have stated that the announced percentage of eligible voters participating conflicted with their own observations of low turnout in some areas. However, most observers of the Comoran political scene believe that Abdallah would have won the election under any circumstances, although with somewhat less than 99 percent.

Abdallah commands the personal loyalty of the Presidential Guard, the most formidable security force in the country. His position is buttressed both by tradition and by his own personal wealth. He also appoints ministers and governors.

Leading figures of the Government and the society vie for influence and the eventual mantle of the Presidency. At the legislative level, there are 38 members in the National Assembly. Within the one-party structure, the 1982 elections were freely contested and seats won without massive majorities (60 percent is considered a strong mandate). Most contests went into second-round voting and the legislature acquired several new members.

A referendum on the status of Mayotte scheduled for 1984 was postponed by the French Government. No new date was set. In 1977, 96 percent of the voters in Mayotte opted in favor of remaining with France.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Comoros permitted a visit from Amnesty International in 1981, but there is no recent information on human rights investigations. In its 1984 report (covering 1983) Amnesty International said its principal concerns were the short-term detention or imprisonment of suspected political opponents of the Government and the beating or ill-treatment of political detainees, some of whom, Amnesty International said, may have been prisoners of conscience. Freedom House rates the Comoros "partly free."

### ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The Comoros are a small, poor, traditional island society. The constitutional deference to Islam is but a formalization of the deeply held commitment of most Comorans to an Islamic world view. This commitment, reinforced by two and one-half wretched years of experience with a radical socialist regime under Ali Soilih, has set Comorans in stern opposition to socialist options. This is particularly true of the older generation, which once again controls wealth and wields influence. The Comoran commitment to a free society is essentially a traditional Islamic one of an open market place, tolerance for other religions, and equality of Muslims before Allah. At the same time, the society retains many aspects of its feudal origins, including an established traditional hierarchy whose authority is based on inheritance, age, and wealth or religious leadership.

Within Comoran society, men have a dominant role. At traditional ceremonies and social gatherings the sexes are separated. Yet women are neither veiled nor limited to minor civil service posts with the Government. The Constitution provides for the equality of citizens regardless of race, sex, or religion, and suffrage is universal, although the opinions of husbands and fathers exercise a formidable influence over women's voting habits. Women have the right to participate in the political process, but tradition has so far discouraged the exercise of that right.

Economic prospects for the Comoros are dim. The population of 450,000 is growing at a rate of 2.9 percent per year and most arable land is already being cultivated. There are no evident prospects for industrialization. As a result of the significant efforts made in education since the mid-1970's, the primary school enrollment radio in 1980 for males was 116.5 per cent and 86.5 percent for females. The number of secondary school graduates has doubled in the past few years. However, there are few jobs for these graduates.

Markets for the Comoros' tropical cash crops are fragile and dwindling. The per capita GNP of $339 (1982 statistic) is likely to decrease in real terms as export levels stagnate and population grows. An abundance of tropical fruits and fish keeps the population from serious malnutrition. Calorie levels are 93 percent (1977 statistic) of requirements. Major food commodities such as rice must be imported. Long-term international help in the form of food aid and technical assistance for crop diversification seems necessary in the foreseeable future for the Comoros. The leadership is hoping that new technical training programs will prepare youth for off-island jobs.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: COMOROS

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 0.7 | 0.4 | 1.6 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.7 | 0.4 | 1.6 |
| A.AID ................ | 0.0 | 0.0 | 0.8 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.8 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 0.7 | 0.4 | 0.8 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.7 | 0.4 | 0.8 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.7 | 0.4 | 0.8 |
| E.RELIEF.EC.DEV & WFP. | 0.7 | 0.4 | 0.8 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 0.7 | 0.4 | 1.6 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.7 | 0.4 | 1.6 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 37.3 | 2.3 | 8.0 | 80.2 |
| IBRD | 0.0 | 0.0 | 0.0 | 0.0 |
| IFC | 0.0 | 0.0 | 0.0 | 0.0 |
| IDA | 12.5 | 2.3 | 7.8 | 32.8 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 23.6 | 0.0 | 0.0 | 37.2 |
| UNDP | 1.0 | 0.0 | 0.0 | 9.7 |
| OTHER-UN | 0.2 | 0.0 | 0.2 | 0.5 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## CONGO

The People's Republic of the Congo is officially a Marxist-Leninist state. It has a single legal party, the Congolese Labor Party, which controls the policies and leadership of the Government, the media, and the military. The party also directs the national organizations of various social groups such as workers, farmers, women, the elderly, and youth. The executive organ of the party is its 75-member central committee which elects a president, who serves as President of the Republic and chief of state, head of government, and president of the Council of Ministers. He also selects the 13-member political bureau, the key policymaking group. Within the central committee, members from the northern regions of the country are in the majority and hold the balance of power, even though they are a minority of the population. The military and security services are also firmly under the control of the northerners, and they ultimately hold the key to power in the Congo. Decisions are made at the top and executed through the party and its control over the organs of government. The need to maintain consensus among the political leaders representing areas traditionally in conflict provides a check on arbitrary policies.

The third Party Congress in 1984 was marked by three major trends: the consolidation of presidential power, a strengthening of the party organization, and an effort to reinforce the role of the formal organs of government. Other decisions approved by the party congress included the establishment of a constitutional council to rule on the constitutionality of laws and treaties, and the limitation of the jurisdiction of the "revolutionary courts" to acts against the security of the state. Other crimes against the state, such as fraud in state enterprises, were transferred to the regular judicial system with its procedures and safeguards.

The security apparatus, which is under the direction of the presidency, is patterned after those in Eastern Europe but is less pervasive. Its principal objective is to protect the state, e.g., to watch for any possible political dissident activity.

While not politically free, the Congolese go about their daily lives with a minimum of government or police interference. Although there have been scattered incidents of terrorism during the last couple of years, terrorism is not generally a problem and the crime rate is relatively low. Contact between Congolese and foreigners is open, and the Congolese, while refraining from direct political criticism of the Government, discuss economic and social problems with frankness and objectivity. The tendency in the country is toward a more open society and expanded contacts with the West, particularly given the need for foreign investment and technology.

The Congo has a mixed economic system--state and private. With a per capita gross national product of roughly $1,360, the Congo is relatively prosperous, with about three-fifths of government receipts coming from oil revenues. The country has experienced a real economic growth rate of eight percent per year since 1979.

# CONGO

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

During 1984 there were no reported instances of killing for political motives.

#### b. Disappearance

During 1984 there were no reported instances of disappearance.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The practice of beating suspects at police stations and the state security offices in the course of interrogations is not uncommon. Neither is it uncommon for the public and the police to beat thieves caught red-handed. Two Zairian thieves were reportedly beaten to death last year. There continue to be occasional cases of militiamen harassing both Congolese and foreigners. This harassment takes place in many instances to obtain money, cigarettes, beer, and the like. However, the use of militiamen is steadily decreasing as trained police assume an increased and improved role.

Prison conditions in general are poor, and there is a lack of adequate food, hygiene, and medical care. Prisoners generally have access to family, friends, attorneys, and others. In the past, political prisoners have been held incommunicado.

#### d. Arbitrary Arrest, Detention, or Exile

Whereas the Constitution guarantees protection against arbitrary indictment, arrest, and detention, in practice a warrant is not required to make arrests. There is a habeas corpus provision, but in cases involving the security of the state, people arrested can be held without a court hearing. Individuals detained for non-political offenses are entitled to an attorney and are judged by a generally impartial judiciary. Given the slow pace of administrative processing, even though the Government has taken steps to increase the number of magistrates and to improve the processing of cases, persons awaiting trial are often detained for considerable periods, and sufficient funds for their upkeep have not been budgeted by the Government. After the November 1984 release of former President Yhomby Opango, the Congo has only one known political prisoner--former number two in the party, Thystere Tchicaya. He is believed to be under house arrest and is not permitted contact with the outside world.

#### e. Denial of Fair Public Trial

The Constitution provides for a Supreme Court which is in practice an arm of the Government rather than an independent body. By law, the right to a fair and public trial exists in all cases, but some prisoners have been held for months without trial. The legal system is not insulated from political interference. Lawyers are permitted to argue circumstances surrounding the case. It is not uncommon to have a higher court reverse the verdict of a lower one in the event of irregularities.

## CONGO

The amended Constitution provides for non-professional judges to be elected to any court below the Supreme Court. The stated purpose of this change was to "popularize" justice. According to the law, any Congolese citizen may now become a judge, but can decide cases only in collaboration with trained judges. Each nomination must be approved by the party.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There is little interference with privacy, family, home, or correspondence by the Government. Individuals are not forced to participate in the party or its organs. There are only 8,600 members in the party out of a population of 1.745 million. The Constitution provides for the inviolable secrecy of mail and all other forms of correspondence except in the cases of criminal investigations, defense mobilization, or state of war.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Freedom of speech and press are restricted, despite guarantees in the Constitution. The state owns and controls the media (except for one weekly church newspaper). News reports in the government-owned media come from a variety of sources, including several foreign press agencies and French satellite feeds. The party is selective in the kinds of news and information it permits Congolese journalists to publish from various outside sources of information. Television viewers have access to Zairian media programs. While the Government keeps control over the press, in practice foreign journalists can move freely about the country. Photography, however, is subject to security controls, and permits must be obtained even for commonplace photos in the cities. The Government allows some domestic criticism of policies and programs judged not to be politically sensitive, but it does not allow its authority to be challenged. Journalists may raise issues and concerns only within general guidelines laid down by the party. There are regular radio and television programs featuring dialogue between journalists and government officials. While these discussions are relatively frank, they are limited to specific programs and policies already under scrutiny by the Government. The state censorship board reviews the content of newspapers, movies, books, and records. Publications are subject to censorship if they contain articles which are critical, are contrary to the image the Government wishes to project either internally or externally, or judged to be contrary to social welfare. For example, one issue of the church newspaper was seized and burned as a result of some mild criticism of the third party congress, and a warning to the church was later published in the party's official organ. In general, however, considerable material which could be censored under these guidelines is allowed to circulate.

### b. Freedom of Peaceful Assembly and Association

The right to peaceful assembly is limited by the State's perceived self-interest. Political meetings are restricted to the party and its organizations. Government permission is not required for groups to assemble for religious and social purposes, but is required for use of official facilities. Government authorization is needed to start a formal club or organization.

Given its past active political role, the labor movement is closely scrutinized and controlled by the Government and party. The Congolese Trade Union Confederation represents workers, but as an appendage of the state. Its head is a member of the party's political bureau. It is prohibited from striking, although wildcat strikes occur with relative impunity. The Trade Union Confederation is represented in every ministry and state-owned enterprise and serves on mandatory boards which include a union representative along with a member of the administration and the party. Known as the "determinant trilogy," this structure is responsible for ensuring that the three major points of view are represented in the decision-making process. The local unions within the confederation have been able to persuade the Government to provide workers with transportation, cafeteria facilities, increased medical benefits, vacation time with pay, travel, and housing. However, no group is allowed to form an independent, alternative union outside the party. Officers of the confederation at the national level must be approved by the party. The confederation is permitted to maintain relations with recognized international organizations such as the International Labor Organization.

### c. Freedom of Religion

In theory, freedom of religion is guaranteed by law. In practice, party members are prohibited from practicing religion. Adherents to the Jehovah's Witnesses are not allowed to exercise their right to worship, allegedly because Witnesses do not recognize the authority of the state. Beyond this, the party does not normally interfere in religious association. The Catholic Church, the largest congregation, maintains a seminary for the training of the clergy and has missions all over the country. Masses are held in the various local languages as well as French. The Catholic church publishes the only independent newspaper, La Semaine Africaine. Missionaries are active in running private missions and clinics and other social services for the handicapped, etc. Some of these services are joint ventures between the church and the Government. However, many of the former services provided by the church have been abolished, and the Government is officially atheist. Christmas Day is called Children's Day.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government exercises limited control over the internal movement of its citizens through identification card checks. Control points also are manned in Brazzaville and soldiers occasionally shoot people who fail to follow their instructions or who inadvertently drive into restricted zones at night. Congolese citizens who wish to travel abroad require exit authorization from the office of State Security. For the average citizen this is a fairly routine process. However, those who may be suspected of political motives encounter some difficulty. Government employees traveling abroad must obtain permission from the appropriate government office. Passports must be returned to the state security office after the traveler's return.

Control over foreigners is very tight. Most visas are for one entry only, exit visas are required, and almost all long-time residents such as missionaries spend considerable time dealing with government red tape.

## CONGO

The Congo is the home of numerous exiles and refugees, mostly from surrounding central African states. Most refugees, including some Zairians, are permitted to travel to other countries for settlement under the auspices of the United Nations High Commissioner for Refugees. While refugees are usually safe in the Congo, they are subject to surveillance and occasional harassment by the Congolese Government.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Congo is governed by an elite group of party and cabinet officials. Military officers occupy key positions among the ruling group and help ensure its continuation in power. The people do not have the right to change the government through democratic processes. Opportunities for political involvement by Congolese citizens are limited to the Marxist-Leninist Congolese Labor Party, including the national, regional, and local assemblies and the "mass" organizations. No other political parties are permitted to operate. Party membership, which presently numbers approximately 8,600, is highly controlled on the basis of loyalty and performance.

The third party congress in 1984 declared the National Assembly the supreme organ of state and the only organ to make law. The national, regional, and local assemblies are "elected" from single-party approved lists. While policy decisions are usually made by the central committee and political bureau, assemblies at the local and regional levels may discuss issues before the decisions are made at the national level. Representatives of the National Assembly are chosen from all walks of life, including traditional leaders, peasants, and workers, but selection is made by the party. The Assembly has impact on social and some economic issues. In general, however, its power to make decisions outside the will of the political leadership is restricted. Its decisions generally mirror the wishes of the Government.

The last "elections" for local, regional, and national assemblies, were held in 1984. Opposition groups are illegal. Opponents of the Government within the Congo keep a very low profile. Occasionally tracts are distributed by opposition groups, but they do not appear to enjoy much political support.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Government has demonstrated some willingness to respond to human rights inquiries on a case-by-case basis. Amnesty International's 1984 Report (covering 1983) noted that 50 political detainees had been released. Freedom House rates the Congo "not free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

With its small population and relatively high per capita income the Congo is one of Africa's more prosperous countries. The economy is based predominantly on petroleum, which accounts for about 90 percent of export earnings. In 1982 the Government inaugurated a five-year plan designed to rationalize investment and create a viable economy to sustain the country after the depletion of known petroleum reserves. The plan focuses on infrastructure, agriculture, forestry, and light productive industry. The Government encourages private investment and offers special incentives in areas of prime interest, such as forestry and agriculture. The Congo had a real economic growth rate of some eight percent a year since 1979, and major urban centers appear prosperous.

There is a marked disparity between urban and rural standards of living, however, and resultant heavy migration from the countryside. It is estimated that the average per capita GNP of rural Congolese, constituting some 60 percent of the population, is less than one-twelfth that of their urban counterparts. Rural migration is straining social services in the cities and depriving the rural areas of farmers. Approximately 80 percent of the economy remains in the hands of the private sector--predominantly foreign-owned and operated.

Improvements in health and nutrition have resulted in an increase in the average life expectancy to over 61 years. The fertility of the soil, abundance of indigenous fruits, vegetables, and fish, and the reliability of water sources around the country have all fostered a naturally hospitable environment for a sparse population. The Congolese diet provides 102 percent of caloric requirements, although in rural areas, where cassava is the major staple, protein intake is not always sufficient. Safe water is available to about 24 percent of the total population--approximately 40 percent of the urban population, and less than 10 percent of those in rural areas. Despite an infant mortality rate of 112 per 1,000, the population is now growing at a rapid rate of 3 percent annually.

The Congolese have tried to maintain the educational system left to them by the French after independence, and have a historically high literacy rate (variously estimated at between 50 and 80 percent for the adult population). The emphasis on education is high, and many children who do not finish school return as adults to continue their studies. Attendance is high among both male and female students. There are primary schools all over the country, and adjusted primary enrollment, including adult enrollment, was estimated at over 145 percent of the school age population in cities in 1981, with a lower figure in the countryside.

While northern ethnic groups have the upper hand politically, there is little evidence of systematic tribal, ethnic, racial, or other discrimination intended to economically disadvantage a particular group.

Under the Constitution, women have the same rights as men in the private, political and social domains, and for equal work they are entitled to the same social welfare rights. There is a disparity, however, between salaries for men and women, and women are relegated to a secondary role in society. Five women are members of the central committee and one occupies a high-level government position as Minister of Basic Education and Literacy. In secondary schools increasing numbers of young women are enrolled in technical courses, and university attendance among women continues to rise.

### U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
### (U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: CONGO, REP. OF

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL | 3.4 | 1.0 | 1.0 |
| LOANS | 1.9 | 0.0 | 0.0 |
| GRANTS | 1.5 | 1.0 | 1.0 |
| A.AID | 1.0 | 1.0 | 1.0 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 1.0 | 1.0 | 1.0 |
| (SEC.SUPP.ASSIST.) | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE | 2.4 | 0.0 | 0.0 |
| LOANS | 1.9 | 0.0 | 0.0 |
| GRANTS | 0.5 | 0.0 | 0.0 |
| TITLE I-TOTAL | 1.9 | 0.0 | 0.0 |
| REPAY. IN $-LOANS | 1.9 | 0.0 | 0.0 |
| PAY. IN FOR. CURR | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL | 0.5 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.5 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST | 0.0 | 0.0 | 0.0 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 0.0 | 0.0 | 0.0 |
| PEACE CORPS | 0.0 | 0.0 | 0.0 |
| NARCOTICS | 0.0 | 0.0 | 0.0 |
| OTHER | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL | 0.0 | 0.1 | 0.0 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 0.0 | 0.1 | 0.0 |
| A.MAP GRANTS | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG | 0.0 | 0.1 | 0.0 |
| D.TRAN-EXCESS STOCK | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL | 3.4 | 1.1 | 1.0 |
| LOANS | 1.9 | 0.0 | 0.0 |
| GRANTS | 1.5 | 1.1 | 1.0 |
| OTHER US LOANS | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS | 0.0 | 0.0 | 0.0 |
| ALL OTHER | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL | 20.2 | 36.2 | 5.5 | 335.0 |
| IBRD | 0.0 | 35.7 | 0.0 | 111.7 |
| IFC | 0.2 | 0.0 | 1.5 | 5.2 |
| IDA | 17.0 | 0.0 | 0.0 | 74.0 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 33.7 |
| UNDP | 3.0 | 0.2 | 0.0 | 24.3 |
| OTHER-UN | 0.0 | 0.3 | 0.0 | 2.5 |
| EEC | 0.0 | 0.0 | 4.0 | 83.6 |

# DJIBOUTI

Djibouti is a small, resource-poor developing nation, strategically located at the southern end of the Red Sea. Ethnically, the country is divided among the majority politically dominant ethnic Somalis (Issas), who control the Government, civil service, and armed forces; a substantial minority of Afars; and Arabs, mainly Yemenis, who have a prominent role in commerce.

Political power is shared by an unwritten arrangement in which the President, currently Hassan Gouled Aptidon, is an Issa and the Prime Minister an Afar, with cabinet positions divided among these ethnic groups. Since 1981, as part of the political balancing act, there is a single political party, the Popular Assembly Party. The party central committee selected the single slate of candidates for the National Assembly elections held in May 1982.

Djibouti has its own armed forces, including a small army, but security of the country is also assured by the continued presence of 4,000-4,500 French troops, including one unit of the French Foreign Legion.

Despite its meager resources, Djibouti continued in 1984 to host refugees from Ethiopia and Somalia, with the assistance of the United Nations High Commissioner for Refugees (UNHCR) and other international relief agencies. In September 1983, the Government concluded with the UNHCR and Ethiopia a plan for voluntary repatriation for the Ethiopian refugees, but serious drought in Ethiopia has hampered full implementation of it. By the end of 1984 over 15,000 Ethiopians had repatriated, either under UNHCR auspices or spontaneously; over 14,000 remain in refugee camps and in the capital city.

The legal system is still in its formative stages. On any topic not yet covered by Djiboutian legislation, the Napoleonic code, a product of the French colonial period, and, to an extent, the Islamic Shari'a generally apply. No further sections of the first Constitution for Djibouti, introduced in 1981, have been issued.

Djibouti's economy rests on the activities of a large foreign expatriate community, the maritime and commercial activities of the port of Djibouti, the airport, and the operation of the Addis Ababa-Djibouti railroad. Recent economic stagnation has been compounded by the refugee burden. Because of Djibouti's almost total lack of resources, the major focus of the Government is on economic development, which is intrinsically tied to foreign economic assistance. Unemployment and underemployment remain major problems. Free enterprise is encouraged in Djibouti's service-oriented economy, and the right of private property and freedom of movement are generally respected. The openness of the society creates an atmosphere in which most citizens feel free to pursue their livelihood without much fear of governmental interference.

# DJIBOUTI

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

There have been no incidents of killing by the Government for apparent political motives since Djibouti became independent in 1977. In December, 1981, the reputed leader of a Somali dissident group was assassinated in Djibouti City. The Djibouti Government arrested several individuals for this crime in late 1982 and announced that it had evidence of foreign complicity, although no country has yet been identified publicly. The Government seems willing and able to prevent or punish killings by security, military, or political forces under its control.

#### b. Disappearance

No allegations of disappearances have been made in 1984.

#### c. Torture and Cruel, Inhuman, and Degrading Treatment or Punishment

There have been no allegations of cruel, inhuman, or degrading treatment or punishment in 1984. In past years, however, there have been several allegations of both harassment of political opposition leaders and torture of political opponents. For example, in September 1982, in a television program produced in France, former Prime Minister Ahemd Dini reiterated charges he and others had made previously that political prisoners were being systematically tortured in Djibouti. The Government denied these charges. In March 1983, a former government employee arrested on charges of espionage escaped to France to seek asylum. He told Amnesty International representatives there that he had been systematically tortured during interrogation. There has been no reaction to these charges from the Government, but Amnesty International's 1984 report (covering 1983) mentions the 1983 charge and one other allegation of torture, specifically hanging by the feet and repeated immersion in water.

Prison conditions are said to be minimally adequate. Family members and counsel are permitted access to prisoners, and public health and medical services supervise health conditions in a generally competent manner.

#### d. Arbitrary Arrest, Detention, or Exile

The current system of justice is a mixture of French and Islamic practice. There is no habeas corpus, and preventive detention is permitted. However, prosecutors are required to, and generally do, file charges in an expedient fashion. The most recent major example of arbitrary arrest and imprisonment was the detention of 13 political dissidents in 1981. All were released in 1982.

#### e. Denial of Fair Public Trial

Both the state security court, established to deal with crime against the security of the state, and ordinary civil and criminal courts permit family members and counsel, though not the general public, to attend trials. The judiciary has remained largely independent of military and executive pressures. However, there were several allegations in 1984 of corruption within the judiciary, including that individuals could arrange favorable judgments in commercial disputes by bribery.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Decree Law No. 8 of June 1980 states that government authorities "may not enter or remain in the domicile of a private individual without his consent and without a legal order," except, among other circumstances, when it is necessary to facilitate the prosecution of persons accused of crimes and when the public order is seriously disturbed. There are reports of noncompliance with this statute, notably in 1981 with the detention of the 13 political dissidents mentioned previously.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

All Djiboutian media are government-owned and support the Government and its policies. Radio/TV Djibouti claims to receive only limited guidance from senior political levels on handling news it presents to the public. There is occasional criticism of the shortcomings of local institutions, some associated with key political and religious figures, and of corrupt and inefficient practices, but not of the central Government. There have been occasional confiscations of foreign publications which contained commentary critical of the Government. The media usually do not carry stories of violence, crime, or ethnic disturbances.

### b. Freedom of Peaceful Assembly and Association

Public meetings require a permit which may be denied for security reasons. The Government permits free association outside the political realm, and there are several independent social, religious, cultural, and commercial organizations.

The right of labor to organize and strike exists, but only a small portion of the work force is unionized. Moreover, the Government has organized the single national labor federation and keeps it under its control and through it, the individual unions. Unions freely maintain relations with recognized international bodies in their fields.

### c. Freedom of Religion

Over 96 percent of the population is Muslim, but other religions are permitted to operate freely. Freedom of religious practice and association with coreligionists outside the country is unfettered.

### d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

Djiboutians exercise their right to travel freely within and outside their country. Passports are generally freely available. There are no exchange controls.

## DJIBOUTI

As many as 40,000 refugees, mainly from Ethiopia, fled to Djibouti during the height of the armed conflict in the Ogaden region. Most of the refugees have received assistance from the international community in the refugee camps of Dikhil and El Sabieh. Several thousand more have spontaneously settled in the capital city. Refugees in the camps are restricted to them and are not able to move freely. Given Djibouti's meager resources and limited opportunities for employment, current government policy is to encourage all refugees to move to refugee camps in the short term and to return to their country of origin in the long term. Over 14,000 refugees remain in Djibouti.

In early 1983, Djibouti, Ethiopia, and the UNHCR agreed to begin a process of voluntary repatriation of refugees in late 1983. About 10,000 persons have since returned under this agreement. It was to have been completed by April 1984, but Ethiopian drought and famine conditions have since slowed the return of refugees and brought in new flows of drought victims from Ethiopia. The continual influx poses serious problems regarding refugee status. In August 1984, following a series of roundups, several hundred persons were deported to Ethiopia. The Djiboutian Government denied the deportees were registered refugees and claimed instead they were illegal aliens whose presence has created tensions with native Djiboutians. In December 1984, 5,000 Ethiopian drought victims seeking relief in Djibouti were deported for lack of proper refugee documentation.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Djibouti is today a one-party state whose leaders and candidates for Parliament are chosen by the leadership of the party, the Popular Assembly Party. The one-party system was instituted in 1981, and the Government detained leaders of the previous opposition and dissidents allegedly attempting to encourage ethnic strife. Traditionally, the Djiboutian Government includes in the ruling cabinet representatives of all the nation's important ethnic groups. However, some Afars complain that the country is run by and for the Issas, who dominate the Government, the armed forces, and the single party. Others complain that tribal and ethnic considerations inhibit appointment of competent administrators.

While citizens are encouraged to become involved in politics and to vote, the party leadership, through a 14-member political bureau, carefully controls and directs all political activity. There is no democratic or nonviolent means for citizens of Djibouti to change their Government.

Over 90 percent of the reported registered voters went to the polls in the May, 1982 elections. There were reports of minor scattered violence on election day, as well as some coercion of voters.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

On at least six occasions since independence, most recently in August 1984, there have been foreign press and other reports alleging human rights violations by the Government. The Government accepted the 1981 human rights investigation request by the United Nations High Commissioner for Refugees. It also cooperated in 1981 with a delegate from Amnesty International who visited Djibouti to investigate charges of torture and death from torture. Amnesty International in its 1984 report (covering 1983) expressed continuing concern about allegations of torture of detainees, including former political refugees who had returned to Djibouti from exile. Freedom House rates Djibouti "partly free."

Two members of an international fact-finding team sponsored by Cultural Survival, a non-profit human rights organization, were expelled from Djibouti in December 1983 after making contacts in the country with private voluntary organizations and refugee officials to investigate reports of involuntary repatriation of refugees.

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Djibouti is one of the world's least developed countries and is almost totally lacking in natural resources. Its economy depends on a large French military and expatriate presence and outside donor support, mainly from France and Saudi Arabia. This support is directed toward many aspects of the economy, including education, transportation, and health facilities.

In 1983 the Gross National Product of Djibouti was estimated at $476.50 per capita. However this figure is misleading, given the very high poverty levels in much of the country and the large, well-paid, predominantly French, expatriate community, some 4 percent of the total estimated population of 275,000. For Djibouti citizens, the estimated GNP per capita is $260.00. A 1980 French study estimated that 47 percent of the population earned less that $130 per annum.

Almost one-third of the population lives a nomadic life of bare subsistence in the rural hinterlands of the republic. A United Nations Development Program report of 1980 states that the Djibouti rural population is "probably one of the poorest groups in Eastern Africa," and that "extreme poverty (also) exists in urban environments of Djibouti." Beyond the near total lack of natural resources, two factors contribute significantly to the poverty level: First, practically all commodities are imported for consumption, and prices of even basic staples are extraordinarily high for most of the nonexpatriate population. Second, the high level of unemployment and the shortage of jobs require working members of a family to be economically responsible for nonworking members. An International Monetary Fund (IMF) 1980 report, which uses Djibouti Ministry of Labor statistics, states that more than 50 percent of those seeking employment in 1979 could not find work. Unemployment in 1982 was estimated at 45 percent and underemployment at 33 percent of the work force.

The harsh, hot environment is one of the causes of the low life expectancy of 50 years (1973 statistics) and the high infant mortality rate of 140.7 per thousand. The latter in turn contribute to a relatively high birth rate of three percent per annum. There is limited agricultural potential, and the only large-scale source of locally produced food is fish. The Government has encouraged the population to supplement their diets with fish. Use of the narcotic plant khat is a major economic and social problem, and W.H.O. held a conference in Djibouti on the subject in December 1984.

## DJIBOUTI

Water is a scarce commodity and of poor quality in most of the country. There are no surface water sources. The Government has made efforts to truck water to remote areas of the country. An African Development Fund study of September 1979 estimated 51 percent of the population received safe water (53 percent in urban areas, 20 percent in rural areas). Active government-supported assistance efforts to identify and to utilize further water source and storage areas are currently under way.

According to a November 1980 World Bank report, the adult literacy rate in the French language was 17 percent. Primary school enrollment was approximately 21,000 in 1983, an increase of some 320 percent since independence in 1977. The high school enrollment increased from 3,000 to 9,000 during the same period. This increase, with a concomitant rise in the number and quality of educational facilities, reflects the high priority the Djiboutian Government gives to education.

Women are, in theory, politically equal to men. However, as in many Muslim countries, they play a secondary role in public life and none hold high government or legislative positions.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: DJIBOUTI, DEMOCRATIC REPUBLIC OF

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 3.7 | 3.4 | 4.3 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 3.7 | 3.4 | 4.3 |
| A.AID .................. | 2.0 | 2.0 | 3.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 2.0 | 2.0 | 3.0 |
| (SEC.SUPP.ASSIST.)... | 2.0 | 2.0 | 3.0 |
| B.FOOD FOR PEACE....... | 1.7 | 1.4 | 1.3 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 1.7 | 1.4 | 1.3 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 1.7 | 1.4 | 1.3 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 1.7 | 1.4 | 1.3 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.1 | 1.6 | 2.1 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.1 | 1.6 | 2.1 |
| A.MAP GRANTS.......... | 0.0 | 1.5 | 2.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.1 | 0.1 | 0.1 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 3.8 | 5.0 | 6.4 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 3.8 | 5.0 | 6.4 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 5.2 | 19.5 | 6.0 | 33.6 |
| IBRD | 0.0 | 0.0 | 0.0 | 0.0 |
| IFC | 0.0 | 0.0 | 0.0 | 0.0 |
| IDA | 3.0 | 6.4 | 6.0 | 15.4 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 12.8 | 0.0 | 12.8 |
| UNDP | 2.2 | 0.1 | 0.0 | 4.8 |
| OTHER-UN | 0.0 | 0.2 | 0.0 | 0.6 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

# EQUATORIAL GUINEA

Although the 1982 Constitution proclaims Equatorial Guinea to be a democratic, unitary, and republican state, it is in fact under the absolute rule of its President, Teodoro Obiang Nguema Mbasogo, who is constrained only by the necessity to operate within a consensus of top government and tribal leaders.

Equatorial Guinea is a former Spanish colony in central Africa, composed of a continental province (Rio Muni) and an island province (Bioko). The capital, Malabo, is on Bioko. The country's once thriving economy and managerial base were destroyed during the brutal 11-year Macias regime, overthrown in 1979. Civil order has been restored and the terror that characterized the former dictatorship has largely ended. A new Constitution was adopted and local and national assemblies were chosen.

There was no single event in 1984 to focus international attention on human rights in Equatorial Guinea. There was one execution, for a non-political crime. One political detainee, sentenced to die for plotting to assassinate the President in 1983, remains in prison. Sensitivity to the country's international image and a desire to highlight a contrast with the former regime have probably served to curb the worst abuses. Senior officials accused of serious violations have been punished in the past.

The economy of Equatorial Guinea remains in a shambles and the state apparatus is weak and limited in its enforcement ability. The incidence of petty crime, discrimination against minority groups and migrant workers, and general mistreatment of common citizens by minor officials is widespread and shows no sign of abating.

## RESPECT FOR HUMAN RIGHTS

## Section 1 Respect for the Integrity of the Person, Including Freedom from:

### a. Political Killing

There were no reports of killings by government authorities during 1984.

### b. Disappearance

No information has been received that secret arrests and detentions occur in Equatorial Guinea.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Police methods at low and middle levels often include beatings of prisoners either to extract information or to punish offenders for insolence or disrespect. Mistreatment of prisoners is officially condemned, however, and numerous examples exist of police officials receiving reprimands.

### d. Arbitrary Arrest, Detention, or Exile

Incidents of arbitrary arrest occur but are not widespread. They are usually committed by lower level officials whose orders are often countermanded in a day or two if they become known to superiors. Arrests without warrants are fairly common, but those arrested are formally charged or released at the police station. There are no reports of people being detained or jailed for expressing dissident views. The absence of print media makes the expression of any written views difficult. Habeas corpus is recognized by the Constitution and may be invoked by those few Guineans well-educated enough and in a position to hire a lawyer. The ordinary Guinean, when arrested, relies upon representations and payments of "fines" made on his behalf by his family, which are often effective, even though taking place outside of the formal legal framework.

The Government in the main cities of Bata and Malabo continues to round up "vagrants" and put them to work for short periods with the sanction of law, but without the benefits of due process to each person arrested. Gainfully employed people who are not carrying identity documents may also be forced to join work gangs for several days before they obtain their release. The frequency and scope of such incidents is linked to the coming and going of important national days and visiting dignitaries. Most work gangs are involved in cutting brush, cleaning the streets, and painting government buildings.

Another widespread practice includes the rounding up of "illegal" aliens, mostly Cameroonians, Nigerians, Ghanaians, and Senegalese who may be forced to work on cacao plantations owned by government officials. This practice is more prevalent during the cacao harvest and seems linked to the shortages of willing labor on the island of Bioko.

### e. Denial of Fair Public Trial

Twenty-six persons were tried in 1983 for plotting to kill the President and overthrow the Government. The three principal defendants were convicted and sentenced to death. Two of these were executed in 1983 and the third remains in prison, pending government review of his case. There is still no information available on the verdicts given to the 23 others. Amnesty International, in its 1984 Report, expressed concern that the trial of the 26 may not have been conducted in accordance with internationally recognized standards for a fair trial.

The current court system is a combination of traditional, civil, and military justice, which often operates in an ad hoc manner for lack of established procedures and experienced judicial personnel. Most trials are speedy. In cases of petty theft or civil dispute, all parties are brought before a judge who listens, questions, and then most often sets a fine to be paid by one party to the other. Fines may also be levied in lieu of imprisonment in cases against the State. In one notable case, a ranking official was accused of issuing Guinean diplomatic passports to North Koreans. The official in question was heavily fined and banished to his home village for six years. Exclusion from public office and banishment are popular means of dealing with ranking offenders.

The Ministry of Justice continues to work on structuring the judiciary and establishing a legal system. A major government-sponsored conference/lecture series on the judiciary and the Constitution was well attended. There were no major court cases during the past year to put the independence of the judicial system to the test. It is widely believed, however, that any court case interesting enough to attract international attention would be conducted in a relatively open atmosphere. The 1983 trial was open to the public.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There have been no confirmed reports of arbitrary interference with privacy, home, or correspondence. Many people suspect that telephone conversations are routinely monitored. It is doubtful that search warrants are used, as provided for in the Constitution.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

What little communications media exist in Equatorial Guinea are government owned and operated. The single newspaper published only one issue in 1984. The radio and television stations, when operating, transmit official government notices and imported entertainment, sports and religious programs. The officially-controlled media do not criticize the Government. Direct criticism is never heard in speeches made in public forums but is frequently heard in private conversation.

### b. Freedom of Peaceful Assembly and Association

The Government does not prohibit private associations, but membership in any type of opposition organization would probably result in the loss of official employment and exclusion from the ruling circles from which all benefits and privileges are derived. Non-political groups such as professional organizations and sports groups do exist and may receive government backing. There have been no attempts to form any type of labor union, and given the country's minuscule industrial and disorganized agricultural sector, little scope for union activity exists.

### c. Freedom of Religion

There is freedom of religion in Equatorial Guinea. No religion is favored, but the Catholic religion is dominant. Religious publishing is permitted. Missionaries of several faiths are active and have government permission for their activities. Proselytizing is permitted. There does not appear to be any discrimination against persons on the basis of their faith.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no known restrictions on Equatorial Guineans with respect to travel within the country. Travel abroad is limited by shortages of foreign exchange. There are also often delays in the issuance of exit visas, but those delays do not seem to be politically motivated. Few Guineans currently seek refuge outside the country, but a large number of exiles continue to reside in Spain, Cameroon, and Gabon. Many exiles criticize the Government as being tribally based and undemocratic, but most probably remain abroad for economic reasons. The Government has repeatedly proclaimed the freedom of all Guineans to return and promises that returnees need not fear persecution. It would expect those returning not to engage in political activities outside the current system. One recently returned opposition political leader has apparently been allowed to reintegrate without major difficulties. There is only one foreign refugee, from Cape Verde, known to have sought asylum in Equatorial Guinea.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

President Obiang was confirmed in office in 1982 following a plebiscite which ratified a new Constitution. The plebiscite did not expressly permit a vote for president, but rather only approval or disapproval of the Constitution itself, which established a seven-year term of office for the president. Obiang interpreted the constitutional referendum as a mandate to rule for seven years, and consequently will not face reelection until 1989 under the present system. The law does not indicate what the ground rules of that election will be.

Under the Constitution a partially elected, partially appointed National Assembly is chosen. Representation in the Assembly includes members of minority groups. The Constitution provides for members of the Assembly to freely voice dissenting views, but the Assembly's role in formulating policies which differ from those approved by the President and Council of Ministers has not been demonstrated.

No formal opposition groups operate within the country, but opposition leaders do exist and maintain ties with exile groups in Spain. The scope for any organized political opposition remains extremely narrow at this time. The Fang tribe, which comprises more than 70 percent of the population, dominates the Government, but some Fang sub-groups maintain that they are underrepresented. Similarly, the Bubi tribe, which comprises a small percentage of the population, but has historically been the majority on the island of Bioko, where Malabo is located, also claims underrepresentation.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The President is sensitive to international criticism of his Government and concerned to prevent the occurrence of incidents that would portray his regime in a bad light. The President is often quick to address official complaints lodged by members of the diplomatic community on behalf of their nationals. The commitment at the higher levels of Government, however, is not sufficient to stop the abuses and discriminations that occur widely at the lower levels. Freedom House rates Equatorial Guinea "not free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The economy in Equatorial Guinea shows little sign, after five years, of recovery from the devastation and anarchy of the Macias regime. While government institutions have been reactivated, schools reopened, and dozens of development projects initiated, there seems to be little significant progress. Roads, rebuilt several years ago, deteriorate with each rainy season. Food is no more available in the markets now than in 1981, and prices continue to rise. Cacao production, the mainstay of the economy, has only partially recovered and seems to have hit a plateau due to limited foreign exchange for the importation of agricultural improvements. The problems of lack of willing local labor and trained management have not been successfully addressed.

Health services have improved somewhat due to the continued presence of a large number of foreign aid medical personnel, though equipment and medicines remain scarce. Foreign aid has helped add variety to the local staples of plantains and yams, but malnutrition, particularly among children, remains high. The 1984 population is 275,000 with a growth rate of 2.5 percent. Life expectancy at birth is 44 years and the infant mortality rate is 134 per 1,000 live births. Primary school enrollment (1973) was 88 percent of males, 71 percent of females, or 79 percent of all children. The adult literacy rate is about 60 percent. Per capita gross national product figures are unavailable but are variously estimated at between $100-200. The average Guinean lives at the subsistence level, though members of the bureaucracy and better educated people living in the larger towns live at something better than subsistence. The diet for nearly all Guineans is heavily dependent on locally available root and fruit crops, supplemented occasionally with game and some fish.

Most salaried employment is with the Government. Minority groups complain that they are discriminated against in government employment. Discrimination that is prevalent in the top levels of Government in the allocation of politically sensitive positions probably carries over into the lower bureaucracy. While substantial numbers of people from all tribes and sub-tribes are employed at all levels of the government, certain Fang sub-groups, Bubi, and Rio Muni coastal tribes may be underrepresented.

The law states that both sexes, and all tribal groups, are equal and entitled to the same rights and privileges. For a variety of reasons, some historical and cultural and others economic, women are accorded a lower status than men and have a correspondingly lower status and influence in the society and government. Men often take several wives but women are never permitted multiple husbands. Social tradition, and the fact that women produce most of the basic staple food items, keep most women engaged in agricultural or domestic work. Five times as many males as females enter secondary school and eight times as many graduate at this level. Because of the severe need for skilled people of all types, however, women can have professional careers and do hold important jobs in the health sector and in other socially oriented ministries.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
## (U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: EQUATORIAL GUINEA, REPUBLIC OF

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 1.3 | 1.1 | 1.9 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 1.3 | 1.1 | 1.9 |
| A.AID .................. | 1.0 | 1.0 | 1.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 1.0 | 1.0 | 1.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 0.3 | 0.1 | 0.9 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.3 | 0.1 | 0.9 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.3 | 0.1 | 0.9 |
| E.RELIEF.EC.DEV & WFP. | 0.3 | 0.1 | 0.9 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST. TOTAL... | 0.0 | 0.1 | 0.1 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.1 | 0.1 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.1 | 0.1 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 1.3 | 1.2 | 2.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 1.3 | 1.2 | 2.0 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 10.2 | 10.1 | 6.5 | 29.9 |
| IBRD | 0.0 | 0.0 | 0.0 | 0.0 |
| IFC | 0.0 | 0.0 | 0.0 | 0.0 |
| IDA | 0.0 | 2.4 | 6.0 | 8.4 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 8.2 | 5.2 | 0.1 | 13.5 |
| UNDP | 2.0 | 2.5 | 0.0 | 7.6 |
| OTHER-UN | 0.0 | 0.0 | 0.4 | 0.4 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

# ETHIOPIA

Ultimate power in Ethiopia, wielded by Chairman Mengistu Haile-Mariam and a small group of former military associates, continues to be exercised and maintained through intimidation and arbitrary arrest. The country is without civil or political freedoms and without institutions or laws to protect its citizens' human rights. The Provisional Military Government of Socialist Ethiopia (PMGSE) maintains complete control over the media, labor, education, internal and external movements of Ethiopian citizens, and all political processes.

Persons expressing opposition to the regime or who are believed not to support it are routinely arrested by security police and subjected to torture in varying degrees; some executions have been reported as well. The individual citizen enjoys no legal protection and may be detained at any time, without explanation and be held indefinitely without any prospect of trial. For example, as many as 1,000 low and mid-level Ethiopian government officials and business or government-affiliated organization members were arrested in Addis Ababa during June, July, and August.

The Government's control over the population is being strengthened through the establishment of the Workers' Party of Ethiopia. Formally declared on September 6, 1984, it is the sole legal political party and its membership is carefully selected. Mengistu holds the top post of secretary-general and the military retains strong control in the party, whose goal is to help transform the country into a Marxist-Leninist state. Marxist-Leninist ideology has already been imposed in the press, throughout the educational system, the "kebele" (urban neighborhood association) network, and increasingly, in the military and workplace. A comprehensive system of surveillance and informants has been set in place by the regime.

There was continued armed conflict in 1984 between the Government and insurgent forces in Eritrea, Tigray, the Ogaden, and other regions. In addition, there are signs of growing rebellion among the Oromo people, Ethiopia's largest ethnic group. The Government has endorsed military solutions and has not been ready to offer significant political compromise to meet demands of the various regions. The continued fighting has perpetuated massive human rights violations by both the Government and insurgent forces against the civilian population in the war zones. Bombing and shelling of suspected guerrilla positions in populated areas by Ethiopian forces, together with frequent infighting between rival factions within the dissident groups, continued to produce civilian casualties and dislocations in the contested areas.

In the economic sphere, serious drought and the effects of the regime's discouragement of private agriculture caused even more acute food shortages in 1984 than in 1983. There was widespread famine in much of the country's northern areas and in some parts of the south. Some six to seven million persons were seriously affected. By October, hundreds were dying daily of starvation in Welo region, and probably as many or more were perishing in neighboring Tigray. Nevertheless, all during the summer months as the famine gathered momentum, the Government of Ethiopia was preoccupied with the organization of the Worker's Party and preparation for the 10th anniversary of the revolution, on which tens of millions of dollars were lavished. It did not adequately coordinate with donors on the increasingly serious food shortages until the 10th anniversary celebrations were past.

In November, the Ethiopian Government embarked on a massive resettlement scheme, starting an initial movement of 70,000 people, with plans to transfer a total of 1.5 million from drought affected northern areas of Ethiopia to new settlements in the western part of the country. Besides directing much needed resources from the desperate famine relief effort in the north, this endeavor has been opposed by most Western donor nations on human rights grounds. There has been minimal preparation for arrival of new settlers in resettlement areas. There are reports from observers in Ethiopia that the resettlement has not been voluntary or that the people have been desperate and starving, with no real choice. There are charges that the Government is using resettlement for political purposes to disperse local opposition to the regime centered in the north. More than 120,000 people had reportedly been resettled by the end of 1984. Another 100,000 Ethopians had fled to Sudan in 1984 to escape the drought and often also to escape forced resettlement.

Ethiopia, with a population of over 40 million, continues to have one of the lowest per capita incomes in the world ($140). The vast majority of Ethiopians live with inadequate housing, water, sanitation, and medical facilities. The Government has so far been unwilling to reduce its sizable military spending to increase relief or development efforts. More than one million Ethiopians remained outside the country, the result of years of war, drought, poverty, civil strife, and oppression. Human rights prospects for the future remain bleak.

## Section 1 Respect for the Integrity of the Person, Including Freedom from:

### a. Political Killing

Widespread politically motivated executions of dissidents, suspected "feudal sympathizers," and other "anti-revolutionaries" that occurred following the revolution, and especially during the "white terror" and "red terror" period of 1977-78, ended during the 1980's in areas outside insurgency regions. However, from time to time during 1984 there were reports of such summary executions. In the insurgency areas, political killings by both government forces and the various involved factions continued. Insurgency forces use assassination, sniping, and the mining of roadways as tactics against the Government and its sympathizers while the Government continues to execute opposition forces' members, bomb civilian population centers, and destroy homes and crops in rebel-held areas.

### b. Disappearance

Sudden apprehension and detention of persons suspected of anti-regime activities or merely lack of sympathy with the regime continued to be practiced by the Government. As in previous years, there were in 1984 documented cases of Ethiopians being abducted without charge by plain-clothes security police and held incommunicado for extended periods. Families are not notified of their relatives' arrest or, if they are, frequently not informed of their whereabouts. Prisoners also have been known to disappear from their jail cells, never to be seen again. Six Ethiopian employees of the United Nations Economic Commission for Africa, headquartered in Addis Ababa, were abducted several years ago by Ethiopian police and are yet to be accounted for; one is reported to have died in police custody. Amnesty International in its 1984 report (covering 1983) expressed concern over the regime's continued failure to account for some 15 political prisoners who disappeared in 1979.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

It is generally believed that torture is applied less extensively now than it was in the 1970's. However, there are no legal provisions safeguarding the Ethiopian population from torture, or cruel or inhuman treatment or punishment by government personnel and institutions. There were unconfirmed reports in early 1984 of political prisoners suffering severe injury, leading to their deaths, following cruel interrogation practices. Torture, including severe beatings, crushing of bones of the hand, and electric shocks, is reported to be practiced in cases involving insurgent combatants and those engaged in activities, such as statements or writings, against the Government.

Amnesty International states that torture is often practiced on Ethiopian prisoners interrogated at the Central Revolutionary Investigation Department ("Third Police Station") in the capital and routinely is used in other parts of the country to interrogate prisoners about opposition organizations, especially those engaged in armed conflict against the Government.

At an interrogation center in Nazareth where political prisoners are brought, torture is commonly practiced and the possibility is ever present that torture or ill-treatment will be used against the detainee or his family or friends. Uncertain periods of imprisonment and lack of access to family are other forms of cruel and unusual treatment. In many cases the detainee is not informed of the reason for his or her incarceration or the length of time he will remain imprisoned.

Prison conditions in Ethiopia continue to be, in the great majority of cases, extremely poor. Cells and detention areas are damp, overcrowded, and unheated. Sanitation facilities are inadequate. Prisoners must rely upon their families to provide food and in some cases are denied changes of clothing. Family visits are limited or sometimes denied.

Conditions in one of the main detention centers in the capital, where members of the royal family and other political prisoners are held, are said to be reasonably good. Occupational and academic training is available, and books and magazines are provided. Families and friends are allowed to visit with reasonable frequency. Former prisoners held at the

Gebi Palace prison, below Mengistu's offices, have reported that they were relatively well treated, though their quarters were crowded and damp, and brief visits by family members were allowed only once a year. Those held were mostly high-ranking officials from the former Government. There is no evidence that political prisoners are subjected to living conditions worse than those of convicted criminals.

d. Arbitrary Arrest, Detention, or Exile

Ethiopians suspected of anti-government actions or sentiments are subject to arrest or detention without charge or judicial review. During the months preceding the September party founding congress and celebration of the 10th anniversary of the Ethiopian revolution, possibly as many as 1,000 Ethiopians, the majority ethnic Eritreans and Tigreans, were rounded up in Addis Ababa and held without charge, presumably due to suspected dissident group sympathies or associations. In many, if not most, cases, political detainees are held incommunicado, at least initially and sometimes during the entire length of their arbitrary term of incarceration. There are no legal provisions in these cases for the reading of charges to the detainee. Rights to counsel and the opportunity to face one's accusers are nonexistent. A writ of habeas corpus on the country's statutes has not been successfully invoked in any known case. The term of confinement for a suspect held without legal charge is subject to the whims of the incarcerators who can be from any level of government, from the politburo down to the local kebele. Prisoners have been held for a few months or up to nine years.

Remarks considered critical or derisive of the Government, failure to attend mandatory political or kebele meetings, suspicion of association or sympathy with organizations opposed to the Government and, in the case of Ethiopian women, suspicion of sexual liaison with foreign visitors in public hostelries, are all reasons for arbitrary arrest and detention.

In February, the Government announced that it had been holding 18 persons in detention since December 1983 for "distributing anti-revolutionary pamphlets." The fate of the 18 is unknown. In politically sensitive arrests, the Government generally prefers to operate in secret, taking the suspect at home at night. However, arbitrary arrest is not limited to the politically suspect. It is commonplace for people with no record of political activity or political beliefs to be arrested and detained for months or longer with no explanation ever being given. In one case, the family of a person arrested in early February 1984 was told by prison officials some two weeks after the arrest that he had been found innocent--of what, it was not specified--and would be released soon. Despite repeated appeals by the family and assurances by prison officials that he was considered innocent and would be released "soon," he was still under detention as of mid-October 1984. In September, the Government announced its customary revolution anniversary political prisoner release. The names of the 96 detainees released were not announced, though it has been learned that the list included several officers of the former ruling military council (the Dergue) and excluded the remaining imprisoned royal family members.

### e. Denial of Fair Public Trial

There is no discernible separation between the executive branch and the judiciary. Courts are subject to political control, and are responsive to the requirements of Ethiopia's leadership.

Ordinary criminal and civil cases are more generally based upon the submission of evidence in a public setting. Minor cases are tried at the kebele level while more serious criminal accusations are tried in courts where the accused has access to court-appointed lawyers.

Ethiopian political prisoners generally do not receive trials, public or otherwise. No guarantee of a public trial with counsel exists, nor is the accused permitted to present witnesses or evidence in his or her defense. Political trials are almost always held in secret with only the verdict (if released at all) publicly announced. Prisoners cleared of charges or whose terms have been completed are not always released from prisons.

There are conflicting reports about the current number of political prisoners, which is virtually impossible to estimate. If the total includes those taken prisoner as a result of ethnic insurgencies, it could well number in the thousands. Amnesty International believes thousands are still being held without trial or charges.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Warrants are not required for entry into or search of offices or private homes in Ethiopia. As a result, forced entry is a common method of the police and security forces, although the level of this activity is currently much lower than during the "red terror" period of 1977-78. But surveillance of individuals, both visual or through listening devices, has increased and operates with no legal strictures.

All mail is monitored by the Government. Ethiopian citizens can be called out at any time for questioning by authorities, mandatory kebele meetings, or non-voluntary political rallies or marches. Refusal to show up for any of the above can be punishable by imprisonment without hearing. Every Ethiopian lives under the watchful eye of local kebele or rural dwellers' association officials, who monitor visitors received, items being brought in and out of houses, meetings taking place, and adherence to the midnight to 5:00 a.m. curfew. These local officials are empowered to arrest anyone whom they deem guilty of illegal or suspicious conduct. Ethiopian citizens are often forced to join "mass" organizations, and it is reported that many who joined the party did so because they were forced to join.

Foreign radio broadcasts such as the VOA and BBC are widely listened to in Ethiopia, and there is no evidence of overt efforts by the Government to interfere.

## ETHIOPIA

Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

There is no freedom of speech or press in Ethopia. The Government has complete ownership and operation of all information media and exercises censorship through editorial boards and the cultural ministry. Expression of political opinion which is unauthorized or at variance with the official government line is strictly forbidden. Political, economic, and social policy in Ethiopia is formulated at top levels of government, then disseminated through the government-controlled media and government-organized citizens' groups, i.e., women's, youth, workers', and peasants associations, kebeles, and military commissariats. Opinion expressed contrary to the government line can, and often does, result in imprisonment without charge or sentence. Books and magazines can be confiscated if they are deemed counter to the revolution.

The pronouncements of public officials, academics, and clergy are closely monitored by the Government. Surveillance of public opinion is implemented through official guidelines for thought and by a widespread system of informants within government offices, schools, businesses, the military, and the university.

Some instructors and professors in secondary schools and at the university have resisted the politicization of education. Academic freedom, although circumscribed, especially in political and social sciences, still finds limited expression at the university. Private secondary schools, where Ethiopians who can afford them send their children, are mostly free of political orientation. Many, including people in the Government, seek to send their children abroad for education.

### b. Freedom of Peaceful Assembly and Association

Assembly of any sort that has not been approved by the Government is strictly forbidden under penalty of arrest. In contrast, attendance at government-backed rallies, meetings, and parades is mandatory and enforceable by arrest and detention.

Ethiopians are cautious in their associations with each other and with foreigners. A system of informants and surveillance is pervasive. Frequent association with foreigners can result in questioning, arrest, and detention.

Formation of political groups outside government-organized bodies like the youth, women's, and peasant associations is illegal and is dealt with harshly. Professional associations such as the Rotary and Lions Clubs are allowed to operate, though it can be assumed that their membership and activities are monitored by the Government.

Labor is not permitted to organize independently in Ethiopia. Labor-management negotiations are not allowed. Strikes or slowdowns are strictly forbidden. The only labor organization allowed to operate is the government-controlled All-Ethiopia Trade Union (AETU). The AETU is one of Ethiopia's "mass organizations" and is basically a political group, utilized by the Government to implement its policies, expand party control into the workplace, prevent work stoppages, and to keep the labor force in line. A number of AETU's top leadership have been trained in the Eastern bloc, and the organization has close ties with Soviet and East European labor organizations.

The Government uses both convict and forced kebele labor. Prisoners used in various construction projects, such as road building and forestation, reportedly are criminal convicts such as murderers, robbers and, as widely reported in the press, those found guilty of corruption. Kebele dwellers, young and old, male and female, are obligated to "volunteer" their services for work programs upon the demand of kebele officials. Those with proof of employment or the funds to pay a bribe generally escape such mandatory tasks, which the poor and unemployed have little chance of avoiding.

### c. Freedom of Religion

With the overthrow of the Haile Selassie regime, the Ethiopian Orthodox ("Coptic") Church lost its favored position, along with its lands and most of its property. The Government allows the Orthodox church and the Muslim religion (each claims to make up about 50 percent of Ethiopia's population) freedom of worship and proselytism. However, the Orthodox church has government-appointed officials within its administration to ensure its conformity.

Orthodox and Muslim holidays are recognized by the Government, and officials of both religions are allowed to exercise jurisdiction over civil matters such as marriages. There is, however, a continuing effort to de-emphasize the presence and importance of religion in Ethiopian life. References to deity are expunged from dialogue in television programs and movies, and forbidden in government statements or publications. Often, obligatory seminars for youth have been organized on Sunday mornings in conflict with religious observance. During the weeks preceding the traditional Orthodox pilgrimage to Kulubi in late 1983, the Government restricted bus allocations, train schedules, and gasoline rationing. When the unpopularity of this move among the Ethiopian public became apparent, the Government backed off, but the disruption caused a lower attendance level than in previous years. The Government has not interfered so openly in 1984.

Other religions, particularly Western Protestant evangelical organizations, have found their activities sharply curtailed by the Government, through the closure of churches, the seizure and nationalization of property and facilities, and harassment and surveillance. At least one organization's congregation now assembles in secret "safe areas" for worship and other church-related meetings. The Government does allow some limited missionary activity; it gives permits to foreign missionaries to enter and work in Ethiopia in limited numbers. Amnesty International's 1984 report notes that over 30 officials of the Ethopian Evangelical Mekane Yesus Church had been imprisoned for their non-violent beliefs.

There has been considerable illegal emigration by Ethiopian Jews (Falasha) during 1984, continuing a trend of previous years. Legal emigration is greatly restricted. Access by foreign Jewish and Israeli visitors to Falasha villages in the Gondar region was shut off for most of 1984, although reopened to some extent in December. There had been many such visits in 1983. Ethiopian authorities apparently suspected that foreign Jewish and Israeli visitors provided Ethiopian Jews money and encouragement to leave the country. They may also hope to prevent the outside world from learning of the frictions that continue to mark government relations with the Ethiopian Jewish community, resulting from government efforts to prevent emigration (emigration is forbidden by law to all Ethiopians), lack of Hebrew instruction, and the resistance of Ethiopian Jews to Marxist-Leninist indoctrination. Ethiopian Jews are situated in areas of insurgency (Tigray, Gondar) in which they frequently get caught in the crossfire. However, stories of "genocidal" actions by Ethiopian authorities, or of highly brutal behavior, appear unfounded.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

In November 1984, the Government began a massive and forced resettlement scheme to move more than 1.5 million persons from the drought affected north to the western part of the country. The people being resettled are moved from a highland environment to lowlands where they are susceptible to malaria and other parasitic diseases unfamiliar to them. They have been placed in the midst of ethnically, culturally, and linguistically different populations who regard them as intruders. There are reports that many attempt to flee back to their home areas and that those who are unsuccessful are returned to resettlement areas under armed guard. Families being resettled are nuclear, comprised only of husband, wife (not over age 35-40) and children. The elderly and sick are left behind.

Other restrictions on freedom of travel within Ethiopia exist as a result of the insurgency (several areas, mainly in the northern administrative zones, are closed for security reasons). Moreover, permission is required for Ethiopian citizens to change their places of residence, and persons considered politically suspect may be forbidden to travel outside their home areas.

Travel for Ethiopians outside their country is heavily restricted by the Government. Issuance of a passport can be denied for failure to attend the mandatory Sunday morning political meeting or to "volunteer" for kebele work activities. It is not unusual for bribes to be solicited. Government policy regarding the issuance of travel documents is subject to sudden and arbitrary change. During late 1983 and through 1984, issuance of external travel permits to Ethiopians was occasionally shut off with no warning, then suddenly renewed within a short period of time. Military-age Ethiopians (between the ages of 16 and 30) have a particularly difficult time obtaining external travel permits and passports.

Emigration remains strictly forbidden to Ethiopian citizens except in very special and limited circumstances such as marriage to or adoption by a foreign national.

## ETHIOPIA

Unauthorized flight from Ethiopia is regarded by the Government as a serious offense punishable by 5 to 25 years imprisonment or, reportedly in exceptional cases, death. There is nonetheless considerable illegal emigration, undertaken either under the subterfuge of travel abroad for business or to visit relatives, or by arduous treks overland and surreptitious crossing of the border.

The Government recognizes the right of voluntary repatriation, and its proclamation of mass amnesty for those Ethiopians living abroad (numbering more than one million) remains in effect. To date, more than 10,000 Ethiopians have returned from Djibouti, and many ethnic Somalis have returned as well, though estimates of their exact numbers vary from 100,000 to as many as 320,000. Small numbers have also returned from Sudan.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Ethiopian citizens have no legal right or means to change their Government or to affect decisions. All power to decide policy in Ethiopia resides in the upper echelons of Government, led by Chairman Mengistu and a small group of former military officers. Political thought, economic policy, and public opinion are dictated to the population. The Provisional Military Government of Socialist Ethiopia invariably claims to be speaking on behalf of the whole Ethiopian people. The new Workers' Party of Ethiopia purports to offer Ethiopian citizens a means of participation in government, but its role is still unclear, and candidates for party positions are carefully screened and serve to rubber-stamp government decisions and help propagate the Marxist-Leninist system. The various other "mass organizations" are also government controlled and directed. Kebeles and peasants' associations, which are the primary government control mechanism at the local level, control people's movements, housing allocation, basic food rationing, political indoctrination, and implement other government policies, such as registering youths for national military service.

The highest echelons of the Government are no longer dominated by the Amhara ethnic group but includes many Oromos, and some Eritreans and Tigreans. Almost all senior government and political figures are of Christian origin although the population is 50 percent Muslim. Women are very poorly represented at the top echelons of government. Only one woman holds a senior position at the level of Vice-Minister.

There have been no concrete developments on the autonomy question for Ethiopia's various ethnic groups, and the insurgencies in the predominantly Eritrean, Tigrean, and Oromo areas of Ethiopia continue.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

There is no government or private body to investigate alleged human rights violations, although various organizations are permitted to make statements on human rights in South Africa.

The Government opposes any attempt by international and non-governmental organizations to investigate such allegations. Representatives of the International Committee of the Red Cross in Addis Ababa are not allowed to visit political prisoners, only prisoner of war internment centers. Freedom House rates Ethiopia "not free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Ethiopia's first census indicates that its diverse population is 40-42 million (contrasting with a 1984 World Bank previous estimate of 32 million). This would put Ethiopia's per capita income (estimated by World Bank in 1982 at about $141) among the lowest in the world and well below the poverty line. Of the more than 40 different groups, the Amhara, Tigreans, and Oromo make up more than three-fourths of the population. Approximately 85 percent of the population is rural and the majority of this population resides over half a day's walk from an all-weather road. According to a May 1984 World Bank report, during the decade ending 1982/83, Ethiopia's GDP grew at an average rate of 2.2 percent annually against an annual population growth rate of more than 2.5 percent. The rate of under- and unemployment in Ethiopia's cities and villages is reportedly around 50 percent.

Ethiopia's development problems are considerable and growing in scope. The chronic drought problem is worsening. Famine has reached crisis proportions in several areas of the country, and the number of Ethiopians affected by food shortages, including in the capital, reportedly ranges from six to seven million. Indications are that famine has already reached a scale equal to or beyond that of the 1973-74 famine which resulted in approximately 200,000 deaths and contributed to the downfall of Haile Selassie.

Agricultural production has suffered not only from the drought, but also importantly from ideological constraints. State farms and collectivization schemes have been given high priority but have consistently shown poor results. Price and distribution controls on agricultural products act as a disincentive to increased food production. In early September 1984, kebele officials seized "hoarded" supplies of teff from private shop owners to make up for shortages of government-issued grain rations.

Industrial production, in the face of overcentralization of the economy, is stagnating, with growth impeded by spare parts shortages (due to chronic foreign exchange problems), managerial inefficiency, shortages of capital investment, and government ownership of almost all industrial facilities.

Huge military expenditures take upwards of 40 percent of Ethiopia's national budget. The Government's pursuit of a military solution to the continuing insurgencies in the northern regions of the country makes it likely that military expenditure will remain at this very high level. Ethiopia's standing army is the largest in Africa south of the Sahara.

Despite serious drought and famine in many areas of the country, the Ethiopian Government in 1984 spent large sums on building construction, extra security, and general refurbishing of Addis Ababa in preparation for the September

Workers' Party of Ethiopia Founding Congress and the celebration of the 10th anniversary of the revolution. Estimates of these expenditures ranged upwards of $20 million.

The Government has attempted to increase medical services to the peasantry and urban poor, but the magnitude of the country's infrastructural and financial problems have made this effort inadequate to the total need. There is no evidence that last year's statistics of 1 doctor per 75,000 persons and 1 nurse per 5,320 persons have changed significantly. Infectious disease is rampant, including leprosy, tuberculosis, and trachoma. Only six percent of the population had access to safe water in 1976. Lines at water pumps are common in the poorer areas of Addis Ababa, and open ditches are commonly used as sewers. The infant mortality rate is high (172 out of every 1,000 births).

The Government has expanded access to educational facilities for the rural and urban poor (the primary school enrollment ratio reportedly increased from 19 to 46 percent between 1973 and 1981). As a result, the literacy rate has risen from approximately 6 per cent before the revolution to the currently claimed level of 54 per cent. The World Bank cited a 15 per cent literacy rate in the late 1970s. Recent figures (government statistical abstract for 1981) showed 1,386,648 males and 744,068 females in grades 1-6, and 135,708 males and 25,013 females in grades 7-8. University enrollment has been expanded considerably and now stands at about 12,000 day students and over 8,000 extension students. Ethnic Oromo students have been given opportunities for advanced studies that were largely unavailable under the previous regime. A quota system allows students from the outlying regions entrance into the universities even if their test scores are lower than those of their counterparts in Addis Ababa or other cities.

A United Nations study published in 1980 concluded that "women are discriminated against under marriage laws, in their participation in political and civic affairs, and in terms of equal educational opportunity and receiving wages equal to those of men." A 1982 UNICEF study also concluded that Ethiopian women are among the most disadvantaged sectors of the population, citing cultural and traditional biases, marriages imposed at a very young age, the hard and time-consuming labor of rural women, and inadequate employment opportunities and decent wages for urban women. Village leadership is male, and all clergy are male. However, women in the central Ethiopian cultures (Oromo, Amhara, Tigre) enjoy economic rights equal to those of men. They may inherit, sell, or buy property and engage in business. Women have a subjugated status within the home, and child marriages remain common in some rural areas despite opposition by the Government. Female circumcision is practiced in the northern parts of the country although the Government has stated its opposition to this practice.

The Revolutionary Ethiopian Women's Association (REWA), a "mass organization" created in 1980, has the proclaimed goal of improving the status of women. Its plans include vocational training courses, increased employment and education for women, and programs to rehabilitate prostitutes. REWA claims that 3.2 million women have benefited from the literacy campaign and that many laws discriminatory against women are being eliminated. Since customs and practices are difficult to overcome, REWA's main focus has been to educate, organize, and encourage women to participate fully in authorized economic and political activities. At the same time, because the organization is controlled by the party, it also is heavily engaged in political indoctrination programs.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: ETHIOPIA

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL | 2.5 | 2.8 | 9.8 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 2.5 | 2.8 | 9.8 |
| A.AID | 0.0 | 0.0 | 0.0 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 0.0 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.) | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE | 2.5 | 2.8 | 9.8 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 2.5 | 2.8 | 9.8 |
| TITLE I-TOTAL | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL | 2.5 | 2.8 | 9.8 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.2 | 1.9 |
| VOL.RELIEF AGENCY | 2.5 | 2.6 | 7.9 |
| C.OTHER ECON. ASSIST | 0.0 | 0.0 | 0.0 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 0.0 | 0.0 | 0.0 |
| PEACE CORPS | 0.0 | 0.0 | 0.0 |
| NARCOTICS | 0.0 | 0.0 | 0.0 |
| OTHER | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL | 0.0 | 0.0 | 0.0 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL | 2.5 | 2.8 | 9.8 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 2.5 | 2.8 | 9.8 |
| OTHER US LOANS | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS | 0.0 | 0.0 | 0.0 |
| ALL OTHER | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL | 64.5 | 118.7 | 144.8 | 1094.5 |
| IBRD | 0.0 | 0.0 | 0.0 | 108.6 |
| IFC | 0.0 | 0.0 | 0.0 | 15.5 |
| IDA | 30.0 | 27.0 | 105.0 | 605.1 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 31.5 | 56.4 | 39.8 | 187.2 |
| UNDP | 3.0 | 7.3 | 0.0 | 101.0 |
| OTHER-UN | 0.0 | 28.0 | 0.0 | 77.1 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## GABON

Gabon is a developing country with a single-party political system in which effective political power is concentrated in the Presidency. This office has been held since 1967 by President Omar Bongo, who was reconfirmed in office in 1973 and 1979 in uncontested elections. A March 1983 amendment to the constitution of the country's only legal political party restricts candidacy in future presidential elections to the "Secretary General-Founder of the Democratic Party of Gabon," thus reserving presidential candidacy for the current incumbent, President Bongo. In practice presidential power is somewhat limited by the increasing complexity of government and the diffusion of power through a 54-member Cabinet headed by a Prime Minister.

A 93-member National Assembly elected from slates chosen by the single party meets regularly, but it has little real power. While opposition parties are not permitted, there have been cases in past years where local or parliamentary elections were contested and won by party members who were not supported by the party hierarchy.

The country's Constitution guarantees protection of the individual and respect for the integrity of the person. While there have been reports of isolated exceptions, these rights are generally respected in practice. A legal system based upon French civil law, customary law, and the 1961 Constitution functions fairly effectively. Political rights, however, are not guaranteed under the Constitution, and active political opposition is not permitted. Public criticism of particular government actions and policies is allowed and occurs with some regularity within the context of the single party, although direct attacks on the President are prohibited.

There is no evidence of systematic police or other repression of the population. The security forces are divided into several distinct and autonomous groups of varying effectiveness. While two or three of the services have an internal political intelligence role, the security forces do not as a rule interfere in the daily life of the population.

Although still a developing country, Gabon has the highest per capita income ($4000) in sub-Saharan Africa due to its important petroleum and mineral resources and relatively small population. Economic performance has also benefited from long-standing government policies supporting private enterprise and encouraging foreign investment. While income distribution is skewed in favor of the modern urban sector as opposed to the traditional, agricultural sector, most Gabonese have benefited in some measure from the country's strong economy.

There was no significant change in the human rights situation in Gabon in 1984. An estimated 14 - 20 persons are imprisoned for opposition political activity.

# GABON

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

### a. Political Killing

There were no known political killings or summary executions.

### b. Disappearance

There were no known or reported cases of abductions or hostage-taking by government or non-government groups. The authorities are sometimes slow to advise the families of accused criminals or detainees who are arrested, but there has been no evidence of attempts to suppress news of an arrest.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

A 1984 Amnesty International report contained allegations of torture of some political prisoners. No other such reports have been received. The political opposition group, the Movement for National Recovery (Morena), based in Paris, has alleged that several people detained in the Libreville prison on political charges have been mistreated or kept in degrading conditions. There are other reports, however, that virtually all prisoners are allowed family visits, and family members report no serious mistreatment. Amnesty's 1984 report also mentions allegations that some prisoners, both criminal and political, were held in chains for considerable periods as a form of punishment. Police are believed to be rough but not brutal in their treatment of suspected criminals. Prison conditions are harsh.

### d. Arbitrary Arrest, Detention, or Exile

In Gabon, "acts against the security of the state" and "actions against the chief of state," which can include advocating a multiparty system, are punishable crimes. Approximately 10 members or alleged members of the Morena opposition group are currently in prison on such charges; most were detained for several months before being brought to trial in 1982 and 1983. There have been no reports of detention without trial of persons accused of violations of criminal law. Gabonese law, amended in September 1983 and ratified by the National Assembly early in 1984, provides for up to six months of "preventive detention", on a judge's order, of suspected criminals. Previously, there was no upper limit.

### e. Denial of Fair Public Trial

In 1983 four political dissidents were given non-public trials, with defense attorneys present, and sentenced to four-year prison terms. Their trial contrasted with the November 1982 public proceedings, with representatives of the international press and Amnesty International present, at which 29 dissidents were given prison sentences of from one to 20 years; the period of pre-trial detention from December 1981 to November 1982 was credited against the sentences, leading to the early release of five prisoners with sentences of eighteen months or less. (Seven more were released in March 1983, when President Bongo reduced all sentences by five years. For the 17 remaining of the original group, sentences were reduced another five years in 1984; one more prisoner was then released. Nine prisoners were granted conditional release by presidential decree during December 1984.) There have been a few reports that the number of persons in prison for political opposition may be around 20, but firm information is available only on the 17 Morena members who were tried and initially sentenced to 4 to 20 years. The longest sentences have now been reduced to 10 years. Following the most recent release of prisoners, there are now believed to be no more than 7 of the Morena prisoners still incarcerated. Their crimes were printing and distribution of anti-government tracts, and allegedly encouraging the Government of France to use its influence in Gabon to bring about a multiparty political system. No political trials were reported in 1984.

Gabon's Constitution specifies that the President has the authority to appoint, transfer, and dismiss judicial officials.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There has been no evidence of significant abuses by the Government in this area. The various police and security units monitor dissident political activity and do have the capability to monitor telephone conversations, but interference in the daily life of the populace is relatively rare.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

There are certain limits on these rights in Gabon: no direct public criticism of President Bongo is permitted, and no advocacy of a multiparty political system by the media or individuals is tolerated. The country's single daily newspaper, which is government-owned, regularly prints columns attacking alleged inefficiency or corruption in various government offices. Foreign magazines and newspapers, notably French publications and magazines printed elsewhere in Africa, which sometimes criticize the President and the one-party system, generally circulate freely in Gabon, although occasional issues of particular publications are seized by the police. Journalists are considered to be state employees and are expected to expound on themes as directed by the Government.

The policies of the Government have been debated in public forums in the past. The President and his key ministers have submitted to lively direct questioning on television on domestic policy issues such as education, public housing, and transportation. However, these discussions and debates were not continued during 1984.

### b. Freedom of Peaceful Assembly and Association

Political activity outside the Democratic Party of Gabon is illegal. The Government does not interfere in other non-political organizations which individuals may wish to form. In some sectors, for example, sports clubs and social service organizations, there are national programs under government auspices, which dominate the scheduling of competitions and other activities, but diverse private groups and events sponsored by private companies also exist.

All labor union activity is under the government-sponsored Gabonese Labor Confederation. This organization is closely tied to the governing political structure and serves to represent the interests of workers in a national collective bargaining process, by sector, which is convened by government decree. This bargaining process determines salary levels throughout Gabon, which then must be approved by the Government. Petroleum sector employees have organized wildcat strikes successfully in the past to obtain wage increases and other objectives. Government employees are not permitted to belong to unions. The Gabonese Labor Confederation is a member of the Organization of African Trade Union Unity.

The collective convention on labor, negotiated by the labor confederation and national employers over the course of several years, entered into force in 1983. It prescribes workers benefits and working conditions by sector. Based on this code, workers individually or collectively may in theory and do in practice take complaints of labor code violations to arbitration, and, if unsuccessful, may and have appealed to the national courts. Labor courts, which had fallen into disuse, are presently being resuscitated by the Government to improve the labor conciliation process.

An estimated 65,000 foreign workers, many of them contract employees, are subject to minimum protection by the Government and may be fired or expelled to make place for unemployed nationals.

In 1984 the International Labor Organization's (ILO) Committee on the Application of Conventions and Recommendations cited Gabon for violation of ILO Convention No. 87, involving workers' right to organize. The basis for this citation is Gabonese legislation making membership in the sole trade union confederation mandatory.

### c. Freedom of Religion

The Gabonese Constitution guarantees the free practice of religion, and religious freedom and tolerance. Proselytizing has sometimes been discouraged. Christian, Muslim and animist religions, nonetheless, all flourish in Gabon, and public worship is unrestricted. A number of different religious groups operate schools. There is no political or economic discrimination because of religious preference.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Movement within the country, foreign travel, and return to Gabon are normally not restricted by the Government. Government employees, however, must obtain permission to travel abroad and private citizens must obtain exit permits. Since mid-1983, the Government has slightly tightened restrictions on the entry and resettlement of refugees, but many individuals who have a "well-founded fear of persecution" in their country of origin have been given permission to stay in Gabon; they come from a variety of countries, including those with which Gabon has friendly bilateral relations. There have been no reported cases of involuntary repatriation, and those refugees who wish to repatriate voluntarily are allowed to do so.

## GABON

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Gabon is governed by a centralized, single-party regime in which President Omar Bongo exercises most but not all effective power. Major political and economic decisions are made by the President, usually in consultation with cabinet members. This group of 54 includes representatives of all the country's major ethnic, geographic, and political groupings. Gabon's varied interest groups are thus given access to political patronage. The Fang, an ethnic group comprising 40 percent of the population, feel themselves to be underrepresented. Fear of Fang dominance by the remaining 60 percent has contributed to the President's political control. The need to maintain the balance of interests represents, therefore, the major check on presidential power. The very size and complexity of the government structure is another.

Opposition political parties are not permitted. Membership in the single political party is open to all Gabonese but is not required. Elections below the presidential level are sometimes contested, but all candidates must be approved by the Democratic Party of Gabon.

Women enjoy full legal rights in Gabon, although their influence and overall participation in government is limited by cultural factors. The Gabonese legal system contains many statutes providing specific rights and protection to women, but most are probably unaware of these provisions.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

President Bongo has invited representatives of Amnesty International and other human rights organizations to visit Gabon. An Amnesty International representative from Senegal was present in 1982 for the major human rights-related event in recent years, the public trial of the Morena dissidents. The United Nations High Commission for Refugees has had a refugee office in Gabon, but its functions have been assumed by the United Nations Development Program, since the number of refugees from Equatorial Guinea has dropped substantially.

In its 1984 Report, Amnesty International expressed concern about the continued imprisonment of 18 prisoners of conscience, 17 of whom were sentenced to long prison terms in the dissidents' trials. Amnesty argued that the court proceedings did not conform to recognized international standards. A special report on the trials issued in 1984 renewed and detailed Amnesty criticism. This report was rebutted in Gabon's press. Freedom House rates Gabon "not free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Gabon is a developing country which as a result of significant petroleum and mineral resources and a population of only one million has one of the highest per capita incomes in Africa -- about $4000 in 1982. Gabon has enjoyed substantial economic growth over the past 10 years, helped in part by the Government's policy of supporting private enterprise and encouraging foreign investment. However, economic growth has stagnated over the last three years due to the depressed state of world markets for Gabon's principal exports. In spite of its good economic record, Gabon faces the problem common in developing countries of trying to integrate the modern sector of the economy with the traditional sector based on semi-subsistence agriculture. Income distribution is skewed in favor of the roughly 50 percent of the population who live in the modern urban sector. The Government is attempting to ensure further economic growth and a more equitable distribution of national income through a program of investment in education, social services, infrastructure, and agriculture. Access to the Government's social programs is open to all Gabonese citizens on a non-discriminatory basis. The right of both men and women to hold private property is spelled out in the Constitution and is in practice fully protected. Pay scales are relatively high by African standards with the minimum wage at about $125 per month. There is little unemployment among Gabonese wishing to enter the wage economy. Some unemployment exists among recent baccalaureate and university graduates.

According to the World Bank, life expectancy at birth rose from 40.2 in 1970 to 50 years in 1984. Estimates of infant mortality have varied widely. The World Bank statistics for 1984 of 162 per 1000 indicate a slight decrease from 1983. The large majority of the population has access to maternity clinics and basic health facilities. A World Bank estimate of the ratio of available calorie supply to nutritional requirements was 103.76 percent in 1977. There has been no evidence of significant malnutrition due to inadequate food supplies, but lack of knowledge of good nutritional practices for children in the traditional sector remains a problem. The World Bank in 1980 gave the primary school enrollment ratio as 100.66 percent. The Government has made school attendance compulsory and nearly all primary school-aged children are believed to be attending school.

In recent years, women have begun to play an increasing role in the economic, political, and cultural life of the country, particularly in the urban areas. The Government and party have become more sensitized to women's issues, and newly-created government and party institutions are actively promoting women's rights. The Ministry of Women's Affairs in 1984 commanded additional resources, including the creation of a national commission for the promotion of women. The Ministry's action program is still largely at the planning stage, although an effort is under way to determine women's needs and aspirations in the traditional agricultural sector. The party's women's union is active in organizing women's cultural presentations throughout the country. Although no women are found among the top 40 full government ministers, four women occupy cabinet level positions as secretaries of state, and nine others occupy junior minister positions. Women are particularly active in the judiciary.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: GABON

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL | 1.4 | 1.5 | 1.7 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 1.4 | 1.5 | 1.7 |
| A.AID | 0.0 | 0.0 | 0.0 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 0.0 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.) | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE | 0.0 | 0.0 | 0.0 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 0.0 | 0.0 | 0.0 |
| TITLE I-TOTAL | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL | 0.0 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST | 1.4 | 1.5 | 1.7 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 1.4 | 1.5 | 1.7 |
| PEACE CORPS | 1.4 | 1.5 | 1.7 |
| NARCOTICS | 0.0 | 0.0 | 0.0 |
| OTHER | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL | 2.7 | 1.1 | 3.1 |
| LOANS | 2.6 | 1.0 | 3.0 |
| GRANTS | 0.1 | 0.1 | 0.1 |
| A.MAP GRANTS | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING | 2.6 | 1.0 | 3.0 |
| C.INTL MIL.ED.TRNG | 0.1 | 0.1 | 0.1 |
| D.TRAN-EXCESS STOCK | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL | 4.1 | 2.6 | 4.8 |
| LOANS | 2.6 | 1.0 | 3.0 |
| GRANTS | 1.5 | 1.6 | 1.8 |
| OTHER US LOANS | 0.0 | 7.7 | 0.0 |
| EX-IM BANK LOANS | 0.0 | 7.7 | 0.0 |
| ALL OTHER | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL | 22.1 | 1.0 | 0.0 | 196.0 |
| IBRD | 0.0 | 0.0 | 0.0 | 69.1 |
| IFC | 0.0 | 0.0 | 0.0 | 0.0 |
| IDA | 0.0 | 0.0 | 0.0 | 0.0 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 18.0 |
| UNDP | 0.1 | 1.0 | 0.0 | 17.8 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 1.2 |
| EEC | 22.0 | 0.0 | 0.0 | 89.9 |

# THE GAMBIA

A former British colony on the West African Coast, The Gambia is a parliamentary democracy with an elected President. The country is extremely small (slightly over 4,000 square miles) and is virtually surrounded by neighboring Senegal. Its population of 725,000 consists largely of subsistence farmers growing rice and the country's primary export crop--groundnuts (peanuts). The Gambia has functioning democratic institutions and, with the exception of disorders in 1980 and a bloody attempted coup in 1981, has had a history of political stability under the leadership of its first President, Sir Dawda Jawara. The ruling People's Progressive Party dominates the House of Representatives; the leading opposition party and independents also won seats in the May 1982 legislative elections.

A state of emergency imposed after the July 1981 coup attempt continues in effect, giving the Government wide powers of detention. There were 1,091 persons originally detained in 1981 after the bloody disorders, led by leftist elements and supported by a large part of the police field force, which resulted in the deaths of over 800 people. Of those detained, 903 were released and 188 were brought to trial, of whom 55 were acquitted. Three died while under detention during their trial, 25 were sentenced to prison, and 63 were sentenced to death for treason. Of the latter, one was acquitted on appeal and another had his sentence reduced. To date, as the death sentences have been confirmed by appeal court, the President has been commuting them to either life or 20 years' imprisonment. There are no outstanding cases left arising from the events of July 1981.

The process of confederation with Senegal, formalized by the treaty of December 1981, continued during 1984, albeit at a slower pace. Important steps were taken during the year in implementation of the protocols on defense and security. The Gambia gendarmerie has been organized on the Senegalese model and is currently being trained and commanded by a Senegalese officer (a Gambian successor is currently undergoing training in a third country). The Gambian army is being trained by both Senegalese and British officers, with the former emphasizing the confederal component and the latter concentrating on the national contingent.

Along with many of its neighbors, The Gambia was sorely affected by the world recession and a decrease in the demand and the market price for groundnuts. Drought affected both groundnut and rice production. The Government signed a stand-by agreement with the IMF to provide badly needed balance-of-payments and budgetary support, but has had to accept stringent spending and import limitations.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

There have been no instances of political killing in The Gambia in 1984. To date, 61 persons have been sentenced to death--after lengthy public trials observing due process of law--for crimes committed in connection with the 1981 coup attempt. The cases have now gone through appeal and, in each case brought to the President, executive clemency has been granted. No executions have taken place.

b. Disappearance

There is no known record or allegation of abduction or secret detention by any element of the Government or by any group in the country.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The constitutional prohibition against torture is observed in practice. No allegations of torture were noted in 1984. The Constitution also contains prohibitions against cruel, inhuman, and degrading punishment. Persons familiar with the operation of the legal system, and whose opinions are respected, believe that courts are alert to any allegation of mistreatment in prisons. These sources also acknowledge that there may be lapses in supervision resulting in individual instances of mistreatment of prisoners. There are segregated prison facilities for men and women of both maximum and minimum security types. The Government has allowed prison visits by representatives of the local Red Cross and by close family members. Sentences, including fines and imprisonment, are related to the severity of the crime committed and are based upon schedules set forth in statutes or regulations.

d. Arbitrary Arrest, Detention, or Exile

There are well developed constitutional and legal procedures governing the arrest, detention, and bringing to trial of persons accused of crimes. These are based on British legal practice. However, under the Emergency Act still in force, the Government may order the detention of any person who is considered to have been involved in acts prejudicial to the public safety or public order, in the preparation or instigation of such acts, or in impeding the maintenance of supplies and services essential to the life of the community. Such persons may be held up to 14 days without a detention order. Detainees are free to exercise their right to legal counsel. The Emergency Act, which has been extended by the legislature several times, continues in force.

e. Denial of Fair Public Trial

Three kinds of law operate in The Gambia: general, Shari'a, and customary law. Shari'a law, governing certain aspects of social interaction of rural Muslims, is observed, even in the capital of Banjul, in marriage and divorce proceedings. Customary law covers marriage, inheritance, divorce, land tenure and utilization, local government, and all other civil and social relations originating in the traditional religious and ethnic situation of the country. General law, based on English statutes and modified to suit the Gambian context, governs criminal cases and trials and most organized business practices. If there were a conflict between general and Shari'a law, general law would prevail. Trial procedures in general law are carefully regulated to insure protection of the rights of the accused. Under the law, a detained person must come to trial within one week. This waiting period, however, can be extended twice, making the total time of detention before trial allowed under the law 21 days. If an accused person is released on bail, the individual need not come to trial until the investigation is completed, and there apparently is no time limit for investigations. Appeals normally proceed from the Supreme (trial) Court to the Court of Appeal, the country's highest tribunal. Jury trials are limited to certain specified cases such as murder.

Trials for those persons detained by Presidential order under the Emergency Act were delayed because of the extraordinary measures the Government undertook to cope with the large number of detainees. The court system in this tiny nation was overwhelmed. The Government therefore established a special division of the Supreme (trial) Court, which included judges and prosecuting and defense attorneys from neighboring English-speaking countries, all of which have the same basic legal system as The Gambia. This unusual step was taken because of a shortage of trained legal personnel in The Gambia, to avoid overwhelming the regular judicial process, and to demonstrate publicly the Government's concern for impartiality. The Government has scrupulously observed the statute of limitation and has reportedly released numerous detainees

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.

The Constitution provides guarantees against arbitrary search of person and property. It excepts the voluntary submission to a search by the individual, or a search that is reasonably required in the interests of national defense or other public interest. Under the criminal code, search warrants are issued by magistrates upon application by the police, based on probable cause. Under the Emergency Act, searches of premises or vehicles for suspected firearms or other enumerated articles are authorized by the Inspector General of Police or the Commander of Military Forces. There are a number of police and military checkpoints in and around Banjul. Drivers are stopped and vehicles searched from time to time.

The rights of family are of extreme importance in this conservative Muslim society. Marriage, the raising of children, and religious instruction are regulated by a combination of individual preference and ethnic and religious tradition. The Government does not intrude in family matters except to protect public safety and morality. There is no effort to censor or control personal correspondence or communications.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The Constitution provides guarantees of press freedom. In practical terms, The Gambia, with its small, mainly rural, largely illiterate, and multilingual population, does not support an active press. There are no dailies. There is a government weekly paper and several intermittently published mimeographed news sheets. Le Soleil, a Dakar-based paper, publishes an English-language weekly, using Gambian staff and concentrating on Gambian news. There is a government radio station, as well as a private commercial station which broadcasts largely musical programs. Magazines and some newspapers from outside the country are available at a few outlets in the capital. There is no television in The Gambia, although Senegalese stations can be received.

The Government dominates the media through Radio Gambia, but there have been no reported instances of government interference with the commercial radio station. The Government does not attempt to censor published materials originating either within or outside the country. The Emergency Act, with its broad powers of detention, has had an inhibiting effect on criticism of the Government by independent news sheets; commentators are said to have been noticeably more outspoken in the past.

### b. Freedom of Peaceful Assembly and Association

There are no restrictions on freedom of association and assembly in the Constitution. Under the Emergency Act, however, public meetings are held only with prior notification to and permission from the police. According to the best information available, no permits for meetings have been denied, but the authorities require meetings to be public. Trade unions remain a minor element in Gambian economic and political life. Less than 20 percent of the work force is engaged in the industry, commerce, and service sectors where unions normally are active. Trade unions are small and fragmented. The Government has agreed in principle that the Gambian Workers Union may resume its functions provided it is re-registered, but the Union has not been willing to meet conditions on filing financial reports and rectifying alleged fiscal irregularities. Other unions continue to function under basic labor and trade union legislation. Union members have freedom of movement to attend meetings outside the country.

### c. Freedom of Religion

The constitutional guarantees of freedom of conscience, thought, and religion are observed in practice. The state is secular. Muslims constitute over 90 percent of the population; the schools provide instruction in the Koran for Muslim students. Christians, both Catholic and Protestant, freely and actively practice their religion. There is a small Bahai community in Banjul. Missionaries are permitted to carry on their work in the country. No evidence of discrimination on the grounds of religion has been observed in employment or education or in other areas of Gambian life.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution has provisions guaranteeing freedom of movement subject to conditions protecting public safety, health, and morals. There is no restriction on freedom of emigration or freedom of return. Internally, police and military checkpoints exist in and around Banjul; under the Emergency Act, travelers and their vehicles may be searched. There is no evidence that police harass travelers.

Because of historic and ethnic ties with the people of Senegal, Guinea-Bissau, Guinea, and Mali, people tend to move unregulated across borders, which are poorly marked and difficult to police. Under the Confederation Treaty of 1981, neither Gambians nor Senegalese require passports or visas to travel to the other's country. The border is essentially open, and movement across the border is constant. There is a high tolerance for foreigners and no effort is made by the Government to discriminate against them. There are no refugees in The Gambia. Early in 1983, some 600 Gambians were among the vast number of illegal aliens expelled by Nigeria. Their return has caused no noticeable impact. With the change of regime in Guinea, there is evidence that many Guineans formerly resident in The Gambia are returning to Guinea.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Government is elected by citizens 18 years of age and older; the chief executive official (the President) and the members of the legislature (House of Representatives) are popularly elected, as are the district councils and the chiefs who exercise traditional authority in the villages and compounds.

A functioning multiparty system exists in The Gambia. The principal opposition party, the National Convention Party, contests national and district elections. Other opposition parties contest the Presidency and other offices on a selected basis.

Independents have run for and won legislative seats. In the 1982 election, the Government party, the People's Progressive Party, won 35 seats in the House of Representatives, the National Convention Party 6, and independents 2. The opposition is not able to defeat or modify significant legislation because of its small size, but debate is open and accepted parliamentary procedures are observed.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

After the coup attempt in 1981, the Government adopted a policy of permitting visits of international human rights organizations to observe the conditions of the detainees and the trial process. Amnesty International sent an observer in January 1982 to attend two trials; an Amnesty mission in August 1982 then visited The Gambia and held discussions with high government officials, including President Jawara. The only humanitarian organization in The Gambia is the local Red Cross. There have been no requests for investigation of alleged human rights abuses in The Gambia by an international or non-governmental organization during 1984. The 1984 Amnesty International Report focused on the status of the prisoners charged with the failed coup attempt of July 1981. Freedom House terms The Gambia "partly free." Internationally, the Government has been a proponent of human rights in Africa and in January 1983 became the 17th OAU member to ratify the African Charter of Human Rights.

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The Gambia is a poor, almost overwhelmingly agricultural, nation with a population of 725,000 people (1984). The population growth rate is 3.5 percent a year. Per capita GNP (1984) is $359.60. The adult literacy rate is 20.1 percent (1984). Approximately 45 percent (1981) of eligible children attend primary school. The new Gambia College provides post-secondary training leading to certificates in teaching, agriculture, and nursing, but there is no university-level institution in The Gambia.

## THE GAMBIA

Life expectancy at birth is 42 years; the infant mortality rate in 1983 was 195.6 per 1,000. Only 12 percent (1970) of the population is believed to have access to safe water (the urban rate is 97 percent). The ratio of calorie supply available for consumption relative to nutritional requirements is 93 percent (1977).

Almost 83 percent of the people live in rural areas. The principal ethnic groups are Mandinka, Woloff, Fula, Jola, and Serahuli. Most people are Muslim. Rural life is village and family oriented. While individual initiative and choices are valued, rights and privileges are generally perceived to reside in the group rather than in the individual. Traditional values remain strong but are changing. Education of women is increasingly accepted, and women participate in the professions and in political life. Marriages are still often arranged, but there is increasing freedom of personal choice. Family planning, focused on the health and welfare of mother and child, remains controversial but is gaining acceptance. There is a Women's Bureau in the Office of the President which actively promotes debate on women's issues.

The strength of community practices and traditions has strongly influenced the high degree of tolerance in the diverse Gambian society. There is a deep respect for the tradition of living at peace with one's neighbors. The level of intercommunal violence is extremely low.

The Gambia depends on one major crop, groundnuts, for foreign exchange; this is subject to the vagaries of weather and world market conditions. The population consists mostly of subsistence farmers who are not able to satisfy The Gambia's food requirements. As a result, the Government has relied on external food assistance for the last several years, and adopted a five-year development plan which emphasizes crop diversification and greater agricultural productivity.

Practically all of the funding for the development plan must come from external sources--grants and loans. The Government's ability to absorb and administer the assistance has been hampered by a lack of facilities and trained personnel.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: GAMBIA, THE

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 3.1 | 5.1 | 7.9 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 3.1 | 5.1 | 7.9 |
| A.AID ................. | 1.2 | 3.9 | 3.7 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 1.2 | 3.9 | 3.7 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 1.1 | 0.4 | 3.3 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 1.1 | 0.4 | 3.3 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 1.1 | 0.4 | 3.3 |
| E.RELIEF.EC.DEV & WFP. | 0.3 | 0.0 | 2.1 |
| VOL.RELIEF AGENCY..... | 0.8 | 0.4 | 1.2 |
| C.OTHER ECON. ASSIST... | 0.8 | 0.8 | 0.9 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.8 | 0.8 | 0.9 |
| PEACE CORPS...... | 0.8 | 0.8 | 0.9 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 3.1 | 5.1 | 7.9 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 3.1 | 5.1 | 7.9 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 13.5 | 21.8 | 23.9 | 123.7 |
| IBRD | 0.0 | 0.0 | 0.0 | 0.0 |
| IFC | 0.0 | 0.0 | 3.0 | 3.0 |
| IDA | 8.0 | 0.0 | 20.9 | 56.3 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 4.7 | 17.7 | 0.0 | 51.9 |
| UNDP | 0.8 | 3.7 | 0.0 | 10.7 |
| OTHER-UN | 0.0 | 0.4 | 0.0 | 1.8 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## GHANA

Ghana is governed by the Provisional National Defense Council under the chairmanship of Flight Lieutenant Jerry J. Rawlings, who seized power on December 31, 1981, citing a variety of abuses of authority by the previous Government, elected in 1979. Council law 42 vests all executive, legislative, judicial, and administrative power in its chairman. In practice, government policy develops from a number of close advisors, both inside and outside government. The Council was recently restored to its original strength of seven members in an effort to achieve participation by individuals representing a broader spectrum of Ghanaian political beliefs. A cabinet composed of the secretaries (ministers) implements the day-to-day activity of government. A strengthened security service actively guards against both dissident incursions from abroad and internal challenges to the existence of the Government. A network of "Committees for the Defense of the Revolution" is designed as a channel to transmit government policies to the citizens and citizen concerns to the Government. The major broadcast and print media are government-owned and support government policies.

In 1983, the Government adopted an exceptionally austere economic reform program in an effort to redress a quarter century of economic mismanagement and political instability which caused Ghana to decline from one of Africa's most promising states to a level of economic collapse and poverty. Remedial measures have included an over 1000 percent devaluation, severe structural readjustments, and an emphasis upon the rural rather than urban population. In concert with the International Monetary Fund, the three-year program has begun to have a positive impact and has attracted support from foreign donors (including the United States) and international financial institutions. The economic growth rate, which was negative in 1982, was reversed in 1983 and is expected to reach 5 percent in 1984, with pre-1983 triple digit inflation reduced to 35 percent.

On the whole, positive trends in human rights identified in the second half of 1983 continued during 1984. The universities were reopened. The curfew imposed since the assumption of power by the Rawlings regime in 1981 was lifted, and the country's borders, closed since September 1982, were reopened. A number of detainees, including all journalists, were released. Physical attacks upon various institutions and groups ceased. A freely elected trade union leadership has supplanted a government-appointed management group. Discipline is gradually being restored in the uniformed services and the police, and among militant political cadres.

However, systematic violations of internationally defined human rights continue to exist. Although the Government has expressed its intent to restore democratic practices, there is as yet no system of elections or any other method to provide for expression of the popular will or for a peaceful change of government. Remaining detainees have been incarcerated for over two years without having been formally charged. While a public tribunal system (parallel to the established court system) has been revamped to provide for appeal procedures, its practices continue to limit its effectiveness and fairness as an alternative system of justice.

## GHANA

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

The level of politically motivated violence and killing has abated considerably since 1982/83. However, the death of one person after alleged participation in a coup attempt in March 1984 resulted in claims that he was summarily executed, although the Government claimed that the individual was killed while trying to escape from custody. Those who were close to the victim and who contradicted the Government's explanation did not press formal charges. Senior government legal officials have indicated that an inquiry into the circumstances of death would have been ordered had there been a complaint. One allegation of Government execution of a returned exile appeared in the foreign press; the Government found the person alive and presented him to the public at an Accra press conference.

#### b. Disappearance

During 1984 there were no reported disappearances traceable to government action.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There were no reports of torture during 1984, but several detainees died shortly after release, leading to surmises that prolonged incarceration may have been responsible in one way or another for their untimely deaths. Also Amnesty International's Report for 1984 states that ill-treatment such as beatings of certain prisoners occurred in 1983. There are recurrent reports that very primitive prison conditions have been somewhat improved. Some prisoners have been released to reduce overcrowding and systems of weekend furloughs begun for certain categories of prisoners pending appeals. Service organizations and family members are permitted to provide for prisoners, and there are regular church services. The Government has moved on several occasions to chastise local officials for brutal acts in handling the public but occasional minor offenses persist, particularly in crowd control situations and at checkpoints.

#### d. Arbitrary Arrest, Detention, or Exile

Reports of persons arrested or held in detention without charge or trial decreased during 1984. Nevertheless, beginning in the middle of December 1984 a number of military personnel were reportedly detained for questioning in connection with suspected dissident activity. Moreover, sources indicate that nearly 50 civilian and military detainees have remained incarcerated for periods ranging from 6 to 33 months without being formally charged. In addition, senior government legal officers acknowledge that some persons are held in jail on remand for prolonged periods prior to trial. It is difficult to compile information on the number of detainees, as the Government normally does not announce detentions or releases. However, in August 1984 a Government representative stated that: "Of the persons involved in the previous Government, held in detention for investigations into their conduct whilst in office, only seven are still held." Of the detainees acknowledged to be held by the Government, one has been in traction for some months and another has been hospitalized for a nervous disorder.

Writs of habeas corpus were filed at the high court in Accra in 1984 for the release of a total of 36 civilian detainees. The first writ covered two journalists and was followed by their release. The second application for habeas corpus sought the release of 34 detainees, including a number of ex-officials from the previous Government. In this case the Government successfully maneuvered to have the application dismissed through a new law preventing any court from inquiring into the grounds for the detention of any Ghanaian detained under Council law 2.

### e. Denial of Fair Public Trial

Traditional legal safeguards remain available in the established court system, which includes high courts, appeal courts and a Supreme Court headed by a Chief Justice. However, the Rawlings Government also established a number of other judicial-type bodies which parallel the older court system. These organs include the public tribunals, the Citizens' Vetting Committee (recently renamed the Office of Revenue Commissioners), the National Investigations Committee, the Special Military Tribunal, and the Public Tribunals Board. Council law 78, effective December 21, 1983, established a new public tribunals board to supervise the public tribunals set up originally in 1982. National, regional, district, and community public tribunals are envisaged; the national regional tribunals already have been established in most cases. Critics of the public tribunals, however, decry the almost complete absence of trained and experienced legal practitioners on the tribunals, and insist that accepted rules of evidence and procedure are not always followed. Because of the lack of legal safeguards, the Ghana Bar Association has boycotted the public tribunals since their inception. Government officials acknowledge imperfections but defend the new tribunals as a means of providing justice more quickly, to more people, with less corruption. They defend the ability of laymen to make independent judgments, and have instituted a training program for lay officials.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There has been a lessening during 1984 of reports of personal harassment. Government action reduced the number of checkpoints, many unofficial and apparently set up to shake down the public. However, in an effort to control smuggling, government authorities at ports of entry and exit conducted intrusive and unhygienic body searches of travelers. In response to widespread criticism, the Government reduced the number of such searches and stated its intent to improve the conditions under which they are conducted.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The Government owns the radio and television stations as well as the two principal daily newspapers. The previously lively weekly press has almost disappeared but several small papers have begun to reappear on an irregular basis. All detained journalists were freed in 1984 but two died shortly after release. The press abides by guided tenets of promoting public programs and avoiding criticism of the revolution or of Chairman Rawlings and now focuses on uncovering instances of waste, fraud, and mismanagement. Allegations of corruption generally receive wide coverage and dismissals of officials are reported.

### b. Freedom of Peaceful Assembly and Association

Restrictions on peaceful assembly and association continue. Police permits are required for public meetings and are usually granted, except where the purpose of the meeting is suspected to be anti-government in nature. As a result of a free election for the leadership of the Trades Union Congress in December 1983, the International Labor Organization (ILO) in 1984 removed Ghana from its list of countries with which the ILO has complaints. The Trades Union Congress is a member of the Organization of African Trade Union Unity which has its headquarters in Accra. The universities opened to complete the term which was in progress when they were closed in 1983.

### c. Freedom of Religion

Freedom of religion exists with no state or otherwise favored religion. There is no restriction on the exercise of religion or in contacts with others of the same faith. Most Ghanaians, including senior government officials, are practicing members of a faith. Foreign missionary groups operate freely throughout the country. Leaders of organized religion have tempered their earlier criticism of the Government, while remaining alert to shortcomings and abuses. Church leaders generally state that the tone and actions of the Government toward the churches have improved markedly in 1984 compared to the clashes in early 1983. Government-owned newspapers, on the other hand, remain critical of what they occasionally consider to be political misuse of the pulpit.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

People are free to move from one part of the country to another without any special permission or pass requirement. Since 1983, diplomats have been required to give 48 hours notice before traveling outside the greater Accra region. While the number is being reduced, there are still a number of roadblocks, both official and unofficial, sufficient to inhibit travel, especially at night. In addition to questions related to security concerns, travelers may be asked for receipts for particular items. Failure to have proper documentation can lead to forfeiture of the goods and possible trial for smuggling.

As members of the Economic Community of West African States, Ghanaians and citizens of other member states are free to travel for up to 90 days in West Africa. Ghanaians are generally free to exercise this right, as nationals of other member states are free to travel to Ghana. The major restraint on travel by Ghanaians is the lack of foreign exchange. Previously-closed land borders with Togo and the Ivory Coast were opened in June 1984, and a midnight to 4:30 a.m. curfew, which had been in effect since the revolution of December 31, 1981, was also lifted.

## GHANA

Ghanaians are free to emigrate or to be repatriated from other countries unless they are considered a security threat and then special permission must be obtained. Passports are prized and there are frequent long delays in issuance. Applicants for refugee status within Ghana, upon certification by the United Nations High Commissioner for Refugees (UNHCR), are granted refugee status and are not subject to return to their countries.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Provisional National Defense Council, chaired by Flight Lieutenant Rawlings, exercises total executive and legislative power in Ghana. There are no elections and no current procedure by which citizens can freely and peacefully choose to change their laws, officials, or form of government. However, Rawlings' recent appointments to the Council reflect a broad spectrum of views. A panel to design new democratic structures to replace Ghana's current provisional system is currently at work.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Government permitted several organizations to send representatives to Ghana to inquire into the human rights situation during the past year. The President of the International Press Institute inquired into the fate of several imprisoned journalists (the last one was freed in July). A representative of the International Committee of the Red Cross continued regular visits. The Ghana section of Amnesty International held a conference on humanitarian law. The International Commission of Jurists sent a representative to look into the human rights situation and prepare a report. The International Labor Organization received permission to send a mission to Ghana. However, the Government is sensitive to any implication that its decisions on human rights questions can be affected by external or internal pressures. Detainee releases, for example, are not announced publicly.

Within the country there are a number of religious and professional bodies concerned about human rights and relevant government policies. These institutions during the early days of the present Government called attention to human rights violations. However, after a number of attacks on their members and subsequent detentions (all members of professional bodies detained since the December 1981 revolution have since been released), they have focused their activities on prison reform and emergency feeding programs. Official human rights matters are handled by the Ministry of Foreign Affairs, although inquiries from groups such as Amnesty International may be answered by any one of a number of agencies and at various levels, including cabinet secretaries. Amnesty International has shown concern for the lack of adequate legal safeguards in the tribunal system and adopted one person found guilty by a tribunal as a prisoner of conscience. In its 1984 report, Amnesty expressed concern about the continued detention without trial of real or suspected opponents of the Government. Freedom House terms Ghana "not free." Ghana participates in the work of the U.N. Human Rights Commission in Geneva. Ghana was a member of the U.N. Human Rights Commission in Geneva from 1970-1975 and 1980-1983.

# GHANA

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Ghana is a developing country of 12.2 million citizens according to the 1984 census. The population growth rate is 3.2 percent (1984). Life expectancy at birth is 55.6 years, and the infant mortality rate in 1984 was estimated at 76.3 per 1,000 live births. The per capita gross national product was estimated at $356 in 1982. Ghana has a mixed economy, with the Government owning a number of enterprises in the agricultural, mining, and manufacturing sectors while most productive agricultural enterprises, including the key cocoa sector, are owned by small farmers. The Government maintains a monopoly over the purchase and export of cocoa, coffee, shea nuts, and cotton. There is also a substantial private trading sector, although the Government favors the state-owned companies in national procurement and distribution.

Ghana adopted an exceptionally austere economic reform program in 1983 which has met all targets and is supported by the IMF, IBRD, and primary Western donors, including the U.S. The recovery program is designed to reverse the country's economic decline over the past two decades. Among its features have been a devaluation of Ghana's currency by over 1,400 percent; establishment of producer and export incentives, e.g., increased prices paid to cocoa and coffee farmers; the progressive elimination of subsidies on utilities and petroleum products; budgetary stringency; and an emphasis upon improving the standard of living in rural areas. The recovery program is showing signs of success: real GNP grew at an estimated 0.7 percent rate in 1983 and 5.5 percent in 1984, and triple digit inflation is targeted to fall to 35 percent by the end of 1985. Moreover, the Government worked efficiently with the international community in 1983-84 to overcome a major drought and food crisis.

In 1970, the adult literacy rate was estimated to be 30.2 percent, with the male level at 43.1 percent and the female at 18.4 percent. That difference could be attributed partly to limited educational facilities and a traditional preference for educating male over female children. Current literacy rates are not available, but by 1979 primary school enrollment ratios indicated improvement in access to education with 69 percent of school-age children enrolled, 77 percent for boys and 60 percent for girls. In 1975, 35 percent of the population had access to safe drinking water (86 percent of the urban population). A renewed emphasis is now being placed on creating or improving wells in rural areas, particularly in the northern regions.

Ethnic discrimination is not a major problem in Ghana. Government officials cover the ethnic spectrum. Some ethnic concentration occurs in selected professions and at senior military and security levels. Women's rights in the economy, business, and the civil service, as well as in the home, have long been well established and respected. There are two women among the seven members of the ruling Provisional National Defense Council, a woman cabinet member, and at least five woman in sub-cabinet positions. Although women in urban centers and those who have entered modern society encounter little bias in most endeavors, some role pressures exist. Women in the rural agricultural sector remain subject to the constraints associated with traditional male-dominant mores, in spite of efforts by the Government and more enlightened elements in the society to curtail these practices.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
## (U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: GHANA

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 16.9 | 7.3 | 20.2 |
| LOANS.............. | 7.0 | 0.0 | 0.0 |
| GRANTS............. | 9.9 | 7.3 | 20.2 |
| A.AID ................ | 1.4 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 1.4 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 13.3 | 5.1 | 18.8 |
| LOANS.............. | 7.0 | 0.0 | 0.0 |
| GRANTS............. | 6.3 | 5.1 | 18.8 |
| TITLE I-TOTAL.......... | 7.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 7.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 6.3 | 5.1 | 18.8 |
| E.RELIEF.EC.DEV & WFP. | 1.8 | 1.2 | 1.8 |
| VOL.RELIEF AGENCY..... | 4.5 | 3.9 | 17.0 |
| C.OTHER ECON. ASSIST... | 2.2 | 2.2 | 1.4 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 2.2 | 2.2 | 1.4 |
| PEACE CORPS...... | 2.2 | 2.2 | 1.4 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.3 | 0.3 | 0.2 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.3 | 0.3 | 0.2 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.3 | 0.3 | 0.2 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 17.2 | 7.6 | 20.4 |
| LOANS.............. | 7.0 | 0.0 | 0.0 |
| GRANTS............. | 10.2 | 7.6 | 20.4 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 5.1 | 74.9 | 215.9 | 790.0 |
| IBRD | 0.0 | 0.0 | 0.0 | 190.5 |
| IFC | 0.0 | 0.0 | 60.0 | 60.0 |
| IDA | 0.0 | 73.3 | 125.0 | 406.1 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 30.9 | 60.4 |
| UNDP | 2.6 | 1.6 | 0.0 | 44.0 |
| OTHER-UN | 2.5 | 0.0 | 0.0 | 13.0 |
| EEC | 0.0 | 0.0 | 0.0 | 16.0 |

## GUINEA

The human rights situation has improved in the Republic of Guinea since a change in government on April 3, 1984, and after the death in March of long-time President Ahmed Sekou Toure, who had controlled the previous one-party "socialist" state since 1958. The country is now ruled by a 20-man Military Committee for National Redressment (CMRN). Upon seizing power April 3, 1984, the CMRN abolished Toure's Democratic Party of Guinea and the Constitution, and named a President (Lansana Conte), a Prime Minister, and a cabinet of 33 military and 8 civilians. (In a reorganization December 18, 1984, the Office of the Prime Minister was abolished and the Cabinet and CMRN reduced in numbers.) Members of the various armed forces were named to principal offices at the regional and sub-regional levels. Citizens have subsequently been invited to organize representative councils at the local level. Although the CMRN has indicated that a new constitution will be provided, there are no immediate plans to allow the formation of political parties or return to civilian rule.

The previous regime had imprisoned without trial and executed many Guineans over a period of years, including up to the time of the coup. Torture of prisoners was commonplace and thousands simply disappeared. Toward the end, Toure had begun to relax controls on several aspects of Guinea's political and social life beginning in the late 1970's. A general amnesty of all Guinean exiles had been declared in July 1977, and thousands of emigrants returned to Guinea. However, immediately after the coup, the military government released 250 political prisoners, mainly from Camp Boiro, the principal political detention center, and permitted reporters to describe the heinous conditions and practices, including standard tiny concrete cells and the "black diet" (total deprivation of food and water). The new military Government invited Amnesty International to interview former political detainees in the early fall (report not yet available), and signed an "instrument of adherence by the Republic of Guinea to the Geneva Conventions of August 12, 1949, (plus additional protocols) on Civil and Political Rights. It also announced its intent to adhere to the Universal Declaration of Human Rights.

Guinea is a resource-rich but economically underdeveloped country. Its agricultural sector, which produces mostly at subsistence levels, provides livelihood for over 80 percent of the population and contributes 40 percent of the gross domestic product. The modern sector consists of a few mining enclaves, which generate nearly all of Guinea's foreign exchange, and a variety of uneconomic state-owned industrial, agro-industrial, and commercial enterprises. The previous regime had undertaken cautious steps toward reform of an economy that consisted of these uneconomic state-owned institutions and declining agricultural production resulting from state-owned collective farms, but inflation and balance of payments difficulties persisted.

The new Government has abolished the agricultural collective farms and is investigating the possibility of returning some of the state-owned enterprises to the private sector. It has invited the International Monetary Fund, the World Bank and other international and bilateral donors to provide technical and material assistance for restructuring the economy, strengthening the currency, rescheduling foreign debt, developing an investment code, and reversing the unfavorable balance of payments.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

Since the bloodless coup in April 1984, there were no reported instances of politically motivated killings in Guinea. However, prior to the coup, the Toure regime continued up to the end the practice of jailing political prisoners without trial, and political killings may have taken place in the first months of 1984. A New York Times correspondent visited Camp Boiro after the coup and described a variety of harsh prison conditions and practices, including use of the "black diet" to kill prisoners. The Times article estimated that several thousand had died at Camp Boiro during Toure's regime.

#### b. Disappearance

Amnesty International in its 1984 report (covering 1983) stressed the Toure Government's continued failure to account for a large number of political detainees, estimated at 2,900, who had simply "disappeared" from custody in previous years. These detainees included some of the leading professionals, senior government and military officials, lawyers, teachers, and medical personnel. With the advent of the new Government in April, there were no reported instances of disappearance in Guinea during the remainder of 1984. At the invitation of the postcoup Government, Amnesty International visited Guinea during October 1984 to search for more information on the earlier disappearances.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Upon coming to power in April 1984, the CMRN condemned the previous regime for cruel and inhuman treatment of prisoners, allowed the international press to visit Camp Boiro and interview former prisoners, and pledged henceforth to abolish such practices and adhere to the international charter of human rights. Subsequent reports in the national and international press documented in detail the cruel and inhuman treatment accorded prisoners and detainees, when the new government opened Camp Boiro to public inspection. Amnesty International also noted that torture and other forms of ill-treatment took place on a regular basis, and many died as a result of she "black diet" or of malnutrition and disease.

The only form of abuse reported since the coup is occasional beating of suspects in police stations after arrest. In one such case, when the suspect died, the policemen involved were arrested, tried, and sentenced to prison.

#### d. Arbitrary Arrest, Detention, or Exile

Amnesty International estimated in its 1984 report that, under the Toure Government, the number of political detainees at any one time at Camp Boiro, the main detention center, averaged about 200 persons. Most stayed for several months and then were released or moved to another prison. Many people had been detained merely for expressing some form of dissent from party policy.

An ordinance signed August 15, 1984, contained provisions for reorganizing the Guinean judicial system following recommendations of a national conference on justice. Precise details concerning arbitrary arrest and detention are not yet known. In the several cases of robbery, murder, and drug smuggling that have been publicized, the time elapsing between arrests, holding of trials, and passing of judgments has appeared reasonable.

The only known cases of detention without a judicial determination of the legality of detention are those of former government leaders, some family members, and members of the military who reportedly attempted a countercoup shortly after the April 3 coup. The precise number is unknown. President Lansana Conte has announced publicly that these prisoners will be put on trial but has not given a timetable. He has stated the CMRN is proceeding slowly in its investigations "to avoid inflicting any unmerited punishments on anyone."

### e. Denial of Fair Public Trial

Amnesty International pointed out that those detained by the previous regime for political reasons were afforded no protection by the judicial structure. None detained in 1983 was believed to have been charged or tried by the court. The New York Times article reported that 153 prisoners were sentenced to Camp Boiro in 1983 and 95 more in the first three months of 1984.

The newly reorganized judicial system is independent with courts of first instance at the subprefecture and prefecture levels, courts of appeal at the provincial level and a supreme court at the national level. There also are to be juvenile courts, a labor court, and a military tribunal. Judges are to be appointed on the basis of their qualifications instead of political credentials as was the previous practice. Private legal practice has been restored and legal assistance is to be provided the poor to ensure that everyone will have the benefit of fair trials. The Government is also in the process of revising various legal codes. Until the reorganization is completed, and the new legal system is in full operation, it is not possible to judge its effectiveness.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The labor, women's, and youth organizations of the previous party-state, in which all government employees felt obliged to participate, were abolished by the CMRN. These organizations, together with the entire education system, had been concerned with organizing classes in ideology and providing civic education. The education system is now being reorganized to eliminate ideology. Postgraduate seminars in party ideology previously required of all university graduates and a 6-9 week militia "boot camp" have been replaced by one-year compulsory military training for all graduates, men and women alike.

Judicial codes and practices are in the process of being revised, and provisions relating to entry and search of homes have not yet been issued. Censorship of international mail, which existed under the previous government, appears to have ceased.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The Government owns and operates all Guinean media. A statute permitting nongovernment publications is pending. Until April 1984, criticism of the Government was rarely allowed and journalists generally confined their reporting to accounts of government activities and development issues. Foreign books, newspapers and journals were rarely available in Guinea and censorship or printed material existed.

Since April 1984, the new Government has been vigorously engaged in promoting freedom of speech and press. However, given the nature of the Government and the lack of tradition in Guinea for freely ventilating opposition viewpoints, inhibitions still appear to exist in this area. In regard to criticism of the Government, CMRN members have asked for "constructive" criticism by Guinean citizens. Films, as well as publications distributed by diplomatic missions in Guinea, continue to be censored.

b. Freedom of Peaceful Assembly and Association

Public meetings previously were organized under the auspices of the party-state. Although the CMRN has not specifically stated so, individuals apparently now have the right to meet to promote nonviolent causes. The most notable occasion since April 1984 was a recent ethnic celebration that would not have been permitted before the coup.

Under the previous government, labor unions were controlled by the party-state, union leaders were elected from a single slate drawn up by the party, and union membership of employees in government, public enterprises, and private joint ventures was mandatory. The new Government abolished the party but kept the unions. On October 11, 1984, the Ministry of Labor announced the restructuring of Guinea's labor movement, removal of present labor leaders, and forthcoming elections for new leaders. The previous regime's 35 regional labor organizations, which were linked to the party-state's regional administrative apparatus, will be replaced by a number of local unions organized along industrial lines. There will be 14 industrial trade federations and one national confederation, the national confederation of Guinean workers. Union membership will be voluntary and democratic elections for leaders were being held in January 1985. The national confederation plans to maintain relations with the ILO and keep its membership in the Organization of African Trade Union Unity. The African- American labor center of AFL-CIO is preparing a technical assistance program for the confederation.

In the past, the ILO's Committee on the Application of Conventions and Recommendations has raised questions about discrimination in employment based on political party affiliation and about forced labor in Guinea. During the June 1984 ILO conference, however, the Committee expressed the hope that Guinea in the future would be in a position to fulfill its obligations in regard to international labor conventions. The Guinean representative, referring to the change of government and the restructuring process underway, said the

Government would be able to answer all questions next year.

There are no trade or professional associations in Guinea. The Government legalized private professions only in May 1984, and few professionals have yet established themselves. The Government has asked international and national trade and professional associations in other countries for help in organizing and developing Guinean associations.

### c. Freedom of Religion

As before the April coup, all religions have the right to establish places of worship and maintain contacts with coreligionists in other countries. The former cabinet included a ministry of Islamic affairs, even though Islam is not the official religion of the state. The present Government has restructured that ministry, naming it the Ministry of Religious Affairs and creating a Christian affairs department. The minister is a Muslim leader. It has also invited Christian organizations in Guinea to reestablish the private schools which had been forced to close by the previous regime.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement within the country exists in Guinea, but all citizens are required to carry identity cards. Documents are often required for internal travel by foreigners but are readily obtainable and do not present unreasonable difficulties. Families and ethnic groups frequently are located across national borders, and substantial movement back and forth has been permitted in recent years. Legal entry into and exit from the country are subject to the usual passport and visa controls.

Immediately upon taking over the government, the CMRN invited refugees and those who had left for economic reasons to return to Guinea. Out of an estimated 1.5 million Guineans living in other countries, some 200,000 have returned since Sekou Toure's death, posing a heavy burden on the economy. The Government estimates at least 250,000 in all will eventually return and, to meet the emergency situation, was granted $1 million in supplies and medicines by the United Nations High Commissioner for Refugees for the remainder of 1984.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Until April 1984, a constitution provided for a single political party to rule the then People's Revolutionary Republic of Guinea. Former President Ahmed Sekou Toure controlled both the state and the single political party as president of the former and secretary-general of the latter. On taking control, the military abolished the Constitution, the government organs established under it, and the party. The nation's name was changed to the Republic of Guinea and a 25-man Military Committee for National Redressment (CMRN), with a 10-man executive bureau, was established to rule the country. A president, prime minister, and 39 cabinet members were named by the CMRN, as well as officials in charge of local, subprefectural, prefectural, provincial, and regional levels of government. (In a reorganization December 18, 1984, the Office of the Prime Minister was abolished and the Cabinet and CMRN reduced in numbers.) In all of these appointments an attempt was made to balance representation of the various ethnic groups in Guinea. The CMRN has spoken generally about a new constitution but has not yet announced any plans to allow political parties, democratic elections, or a return to civilian rule.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

Before April 1984, Guinea did not play a human rights role in international bodies, and there were no human rights organizations in Guinea. Moreover, Guinea was criticized by Amnesty International in its 1984 and earlier reports, as indicated in Section 1.

Immediately after taking control of the government, the CMRN released all political prisoners and opened the infamous Camp Boiro to visitors and the international press. On April 28 the official newspaper, "Horoya," reproduced UNESCO's poster of the U.N.'s Universal Declaration of Human Rights in a two-page centerfold, and the posters were distributed for display in government offices and public buildings. On May 17, 1984, the Government signed the instrument of adhesion to the Convention of Geneva of 12 August 1949 and to additional protocols of the Convention. The spokesman for a three-person Amnesty International delegation that was in Guinea September 30-October 8 said publicly that governments rarely receive Amnesty as warmly and cooperatively as had Guinea. Delegation members were allowed to interview 1,000 former political detainees and their families, tour Camp Boiro, and visit the former governmental officials presently being detained in Kindia. Amnesty's International's report of its visit has not yet been released.

The Government has indicated its interest in receiving assistance from Senegalese expert, Birame N'Diaye, who was designated by the U.N.'s Human Rights Committee, to meet its reporting and other responsibilities relating to the International Covenant on Civil and Political Rights. It has also invited representatives of the International League for Human Rights, which had been critical of the previous regime's human rights policies in its "Guinea's Human Rights Record" published in July 1983, to visit Guinea.

The former regime had published a decree dated January 26, 1984 establishing a Guinean Red Crescent Society as a branch of the International Committee of the Red Cross. The present Minister of Public Health reaffirmed the establishment of the organization in a proclamation dated June 20, 1984. An international official arrived in Guinea in September 1984 and is in the process of setting up Red Crescent offices throughout the country.

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Guinea's population is 5.6 million and its per capita gross national product reached $305 in 1982. This figure does not reflect the fact that only about 150,000 Guineans, approximately one-third of the 440,000 employed in the industry and services sector, are registered wage earners. The remainder are private sector artisans and traders, who either sell their goods for sylis (local currency) at the unofficial rate of exchange, or trade them for foodstuffs and consumer goods on the parallel market. Registered wage earners (employees of state enterprises, semiprivate joint ventures, and government ministries) are allowed to purchase essential foodstuffs (rice, cooking oil, flour, sugar, meat, and fish) at heavily subsidized prices. The rural sector, which comprises most of Guinea's population, is essentially outside the national money economy and is largely self-sufficient in foodstuffs.

The liberalization of commerce begun in the late 1970's brought more foodstuffs and consumer goods in the parallel market, which the previous government tolerated. The influx of these goods has increased under the new Government, which allows private traders to import and sell goods at whatever price the open market will bear, as long as they use their own sources of foreign exchange outside the central banking system.

Agricultural development is one of Guinea's major goals. The previous government devoted the largest share (26 percent) of its last five-year plan budget to the agro-pastoral sector by investing heavily in collectivized state farms. Agricultural development and food production, however, continued to lag. The new Government abolished the state farms and has announced its intention to support the small private farmer. To meet this objective, the Government has called on all friendly countries for assistance and is preparing a new development plan to address the major impediments to agricultural productivity, which include the lack of price incentives, appropriate technology, infrastructure, and credit to small farmers.

The economy's ability to meet human needs has changed only slightly in recent years, according to limited available statistics. In 1977 the calorie supply available for consumption relative to nutritional requirements was 84 percent. Life expectancy at birth was estimated to be 44 years in 1982 and 41 in 1984. The infant mortality rate declined slightly from 165 per 1,000 in 1980 to 156 in 1984, but is still relatively high compared with that of earlier years (141 per 1,000 in 1968). Low nutritional standards and sanitary conditions prevailing throughout most of the country are largely responsible for infant mortality.

The overall population growth rate has held at about 2.7 percent in recent years. About 44 percent of the urban population has access to a safe water supply, but this drops to 2.5 percent for the rural population. With the assistance of foreign donors, the Government has an ambitious nationwide program for improving the rural population's access to safe water and construction of wells, springs, and canals in the fouta djallon and kankan regions.

With assistance from France and neighboring countries, the CMRN is reorganizing the entire education system to eliminate ideology based on the writings and declarations of former President Sekou Toure and to upgrade the quality of the system. The reorganization involves a complete overhaul of administration, infrastructure, curricula, textbooks, and teaching personnel. Public education is to be free and universal, and private schools will again be allowed. French is being restored as the language of instruction in primary schools. One of the CMRN's goals is to increase enrollment in primary schools, which was estimated in 1980 to be 40 percent of boys and 19 percent of girls for a total of 29 percent of school age children.

Women in Guinea have enjoyed a special status as a result of the important political role they played prior to independence. Guinean women are represented in all professions from civil engineering to the national police and armed forces. An office of women's affairs has been established in the Ministry of Social Affairs. The majority of students enrolled in the national medical college have been women. The Government's health-care policies have stressed prevention and child and mother care, but the quality of care has been low owing to inadequate facilities and medical supplies. Improvement of the national health sector is also one of the CMRN's priorities.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: GUINEA

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL | 6.0 | 7.0 | 6.6 |
| LOANS | 4.8 | 4.8 | 4.8 |
| GRANTS | 1.2 | 2.2 | 1.8 |
| A.AID | 1.1 | 2.0 | 1.7 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 1.1 | 2.0 | 1.7 |
| (SEC.SUPP.ASSIST.) | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE | 4.9 | 5.0 | 4.9 |
| LOANS | 4.8 | 4.8 | 4.8 |
| GRANTS | 0.1 | 0.2 | 0.1 |
| TITLE I-TOTAL | 4.8 | 4.8 | 4.8 |
| REPAY. IN $-LOANS | 4.8 | 4.8 | 4.8 |
| PAY. IN FOR. CURR | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL | 0.1 | 0.2 | 0.1 |
| E.RELIEF.EC.DEV & WFP. | 0.1 | 0.2 | 0.1 |
| VOL.RELIEF AGENCY | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST | 0.0 | 0.0 | 0.0 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 0.0 | 0.0 | 0.0 |
| PEACE CORPS | 0.0 | 0.0 | 0.0 |
| NARCOTICS | 0.0 | 0.0 | 0.0 |
| OTHER | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL | 0.0 | 0.0 | 1.6 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 0.0 | 0.0 | 1.6 |
| A.MAP GRANTS | 0.0 | 0.0 | 1.5 |
| B.CREDIT FINANCING | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG | 0.0 | 0.0 | 0.1 |
| D.TRAN-EXCESS STOCK | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL | 6.0 | 7.0 | 8.2 |
| LOANS | 4.8 | 4.8 | 4.8 |
| GRANTS | 1.2 | 2.2 | 3.4 |
| OTHER US LOANS | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS | 0.0 | 0.0 | 0.0 |
| ALL OTHER | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL | 65.5 | 57.5 | 91.6 | 490.8 |
| IBRD | 0.0 | 0.0 | 0.0 | 73.5 |
| IFC | 0.0 | 16.1 | 0.0 | 16.1 |
| IDA | 19.0 | 24.0 | 46.7 | 201.7 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 14.3 | 44.9 | 89.6 |
| UNDP | 6.5 | 3.1 | 0.0 | 56.4 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 9.1 |
| EEC | 40.0 | 0.0 | 0.0 | 44.4 |

# GUINEA-BISSAU

The Republic of Guinea-Bissau returned to a form of constitutional government in 1984. In May, the armed forces-dominated Revolutionary Council, which had ruled the country since the 1980 coup d'etat, was abolished. Following legislative elections controlled by the country's only legal political party--the African Party for the Independence of Guinea and Cape Verde--the 150-member National Popular Assembly reconvened for the first time since 1980. The assembly approved a new Constitution, elected General Joao Bernardo Vieira to a five-year term as President of the Council of State, and chose the 14 other members of that Council. Despite these changes, effective political power remains concentrated in the hands of the council and President Vieira who currently serves as Head of State, Head of Government, Armed Forces Commander-in-Chief, and Secretary-General of the party. The Council includes seven military men and five former members of the now defunct Revolutionary Council. All Council members are also members of the party's political and/or central committee.

Opposition political activity is not permitted. Under the May 1984 Constitution, the party is "the guiding political force of Guinea-Bissau society and the state." Elections at the district, regional, and national level are controlled by the party.

The armed forces remain the dominant element in state security. The military's role in the maintenance of internal security and public order is specifically mandated in the new Constitution. The creation of special tribunals is constitutionally prohibited except with respect to military courts established to deal with military offenses.

Guinea-Bissau is one of the world's poorest and least developed nations. The colonial heritage and inappropriate past economic, financial, and commercial policies have severely restricted growth and the exploitation of national resources. All economic activity is supervised by the Government through a system of state-owned business and commercial entities. There is a small private retail sector. Per capita gross national product (GNP) is, according to 1982 estimates, approximately $170 a year. Direct foreign grant assistance is required to cover a large portion of the Government's current operating budget. Imports and exports declined in 1984.

The inherent nature of the one-party state clearly limits the political freedom of Guinea-Bissauans. Nevertheless, the May 1984 Constitution guarantees the equality of all citizens before the law, as well as freedom of thought, assembly, association, and religion. The integrity of the individual is normally respected, except in cases involving alleged national security offenses. Efforts continue to reduce the degree of arbitrariness in the system, as reflected in the return to constitutional government after over three years of provisional rule by a revolutionary council and suspension of the previous constitution. A number of cabinet ministers were dismissed in 1984 on charges of malfeasance, and in March the Prime Minister was charged with coup plotting. Their cases continue under investigation but none is currently under detention.

## GUINEA BISSAU

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

There were no cases of government ordered or sanctioned assassinations nor have there been any terrorist incidents in 1984.

#### b. Disappearance

There were no known cases of disappearance in 1984.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There were no reported cases of torture in 1984. The May 1984 Constitution prohibits such treatment. Prison conditions are poor and unsanitary. Interrogation methods are at times harsh, entailing intimidation and occasionally solitary confinement. Medical treatment, medicines, and food for prisoners are in short supply. Military security and police officials are poorly trained.

#### d. Arbitrary Arrest, Detention, or Exile

There is no published civil or criminal code. Habeas corpus (as a carryover from the Portuguese Penal Code) does exist in practice in urban areas, but is not generally observed in rural areas where a wide variety of traditional law prevails. In national security cases, arrests and detentions frequently take place without formal safeguards. Bail procedures appear not to exist. There were no known cases of government-imposed exile in 1984. The new Constitution, however, does recognize the state's right to expel and extradite Guinea-Bissauan citizens "in some cases."

#### e. Denial of Fair Public Trial

In rural areas, nonpolitical offenders in other than the most important criminal and civil cases are often tried outside the formal court system, under traditional law. The private practice of law is prohibited. Defendants are assigned legal assistants from the Ministry of Justice when available. The judiciary is not independent. The civilian court system is essentially a continuation of that which existed under Portuguese colonial rule. The Supreme Court is the highest civilian court of appeal. Regional military courts have jurisdiction over military, militia, and security personnel on military missions. The Supreme Court has jurisdiction over more serious crimes such as acts against state security, attempts against the lives of party members, treason, and piracy. It is also an appeal court for the regional military courts. The interval between arrest and trial may be lengthy. There are no known political prisoners at this time.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution guarantees the inviolability of domicile, person, and correspondence. These guarantees are not always respected in the case of serious crimes or matters involving state security, when the observance of legal protections such as the need for search warrants and the definition of who can issue and serve them are considered less important than results. Absent an independent judiciary and a published criminal code, there is no established or guaranteed protection against intrusion by the state into the private lives of individuals. International and domestic mail and other forms of communication are considered insecure. Opposition to the Government and public criticism of government officials are prohibited. However, intrusion into the daily life of ordinary citizens by the Government is the exception rather than the rule--save at times of great political tension or in cases involving national security.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The information media in Guinea-Bissau are owned and controlled by the Government. Independent reporting or editorial comment on domestic or international affairs does not exist. There are no independent journals or newspapers. Coverage of food shortages and the current economic crisis is, however, common. Journalism is considered a function of the state and the party. No expression of political opposition to the party or the Government is permitted.

### b. Freedom of Peaceful Assembly and Association

All organizations and associations in Guinea-Bissau are integral parts of the state or the party. The national labor union is a "mass-action" organ of the party. It claims 20,000 members. It is forbidden to organize public employees--a prohibition dating from colonial days. Strikes, while not formally illegal, have not taken place, and the vast majority of salaried workers are employees of the state. Opposition to government policies is prohibited. There are no non-government or non-party associations affiliated with international bodies. The national union is a member of the Organization of African Trade Union Unity and is affiliated with the Communist-controlled World Federation of Trade Unions.

### c. Freedom of Religion

There is no religious discrimination and religious freedom is constitutionally guaranteed. The majority of the population is animist, but other religious groups exist and their worship is unimpeded. Religious missions operate secular activities throughout the country. Parochial schools operate openly. Conversion is permitted. The adherence to a particular faith appears to be neither an advantage nor a disadvantage to individuals in their secular activities. Muslims account for approximately 30 percent of the active religious community.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no routine restrictions on movement within the country. Exit permits, however, are required for Guinea-Bissauan nationals and for many foreign expatriate workers traveling abroad. Citizens are not required to obtain special permits for internal travel. Travel is restricted when interregional smuggling of agricultural products is suspected. The principal constraints on foreign travel are economic.

## GUINEA BISSAU

There are no known bars to emigration. Since the country's borders are not rigidly controlled, there is a considerable amount of unauthorized cross-border movement. There are no significant refugee groups in Guinea-Bissau. The Government is generally sympathetic to the principle of asylum. There were no known repatriation problems in 1984.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Guinea-Bissau is governed by a small elite group of party leaders and military authorities led by President Joao Bernardo Vieira. In terms of the 1984 Constitution, all political activity must take place within the party/state structure. The 1984 electoral slates at the district, regional, and national levels were party-prepared lists. Write-in or opposition candidates were not permitted. The President, members of the Council of State, and National Popular Assembly deputies are elected to five-year terms. There are provisions for constitutional revision and national referendums. In rural areas, popular criticism of regional government authorities has forced the Government to replace some officials. No single ethnic group dominates party/government positions. The party and Government actively encourage the role of women in society, public life, and development. The President of the National Assembly and the Mayor of Bissau are both women. Foreign nationals residing in Guinea-Bissau are generally constitutionally entitled to the same rights as citizens except for the right to vote or to hold public office.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

Guinea-Bissau has not been active in international or regional human rights bodies, and there have been no visits by such groups in 1984. It has no record of sustained involvement with outside bodies concerned with human rights. Amnesty International in 1984 and previous reports expressed concern about earlier detentions without trial of officials of the former administration arrested after the 1980 coup. All of these detainees, however, have since been released. Freedom House rates Guinea-Bissau as "not free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Guinea-Bissau is among the least developed countries in the world. According to World Bank statistics, the current population is estimated at 842,000 with a population growth rate of 1.9 percent. The Government estimates the population growth rate to be 2.2. percent, with average family size at 5.3 persons. Per capita gross national product is estimated at $170 a year. Life expectancy at birth is 38 years, and the infant mortality rate is approximately 139 per 1,000 live births. The World Bank estimates adult literacy at 19 percent, but the Government puts overall literacy at not more than 15 percent. No more than 12 percent of the population has access to safe water. Eighty-seven percent of the population lives in communal villages (tabancas), which are the country's basic economic and social units. The remaining 13 percent of the population is concentrated largely in and around the capital city of Bissau. Average population density is 22 inhabitants per square kilometer. The Government estimates that there is one hospital bed for every 650 inhabitants and one doctor per 10,000 inhabitants. Of an active population of approximately 450,000, only 25,000 are salaried wage earners. Most of these are civil servants.

Employment and educational opportunities are limited. Primary school enrollment is estimated at 71 percent. Although the country is extremely fertile, less than one-half of the arable land is currently under cultivation. Guinea-Bissau's principal natural resources include fish, lumber, some minerals, and possibly petroleum. The economy is dominated by the traditional subsistence production of agricultural commodities. The rural and modern sectors operate, to a large extent, independently of one another. Foreign economic assistance to Guinea-Bissau is substantial, averaging $60-80 million annually.

There is no government or party discrimination against women. The National Women's Movement, a party organization, is active nationally. Women hold some senior government and party positions. Political activity by women is officially encouraged at all levels. By statute, party organizations must have a stated proportion of women office holders. Official discrimination against women in the modern sector of society does not take place. In most rural sectors, however, traditional male-dominant sociological practices prevail, imposing attendant limitations on women.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
## (U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: GUINEA-BISSAU

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 4.1 | 2.6 | 5.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 4.1 | 2.6 | 5.0 |
| A.AID ................. | 2.4 | 2.0 | 2.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 2.4 | 2.0 | 2.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 1.7 | 0.6 | 3.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 1.7 | 0.6 | 3.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 1.7 | 0.6 | 3.0 |
| E.RELIEF.EC.DEV & WFP. | 1.7 | 0.6 | 3.0 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 4.1 | 2.6 | 5.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 4.1 | 2.6 | 5.0 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 14.8 | 29.8 | 18.2 | 107.4 |
| IBRD | 0.0 | 0.0 | 0.0 | 0.0 |
| IFC | 0.0 | 0.0 | 0.0 | 0.0 |
| IDA | 0.0 | 29.1 | 8.0 | 52.9 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 8.2 | 0.0 | 9.6 | 37.8 |
| UNDP | 6.4 | 0.7 | 0.0 | 15.0 |
| OTHER-UN | 0.2 | 0.0 | 0.6 | 1.7 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## IVORY COAST

Ivory Coast, which attained independence from France in 1960, is a paternalistic civilian one-party state. Power is concentrated in the Democratic Party of Ivory Coast, whose long-time leader is President Felix Houphouet-Boigny. Although the formation of other parties is theoretically guaranteed by the Constitution, in practice no other party is allowed. More open discussion of government policies has been permitted in the four years since the country's first competitive elections for local party, municipal, and legislative positions in 1980.

Ivory Coast has had considerable economic development since independence; however, poverty still prevails in much of the country. The Ivorian economy is market-oriented and open to foreign investment. Until recently steady economic growth had permitted appreciable annual improvement in the standard of living throughout the country and contributed to widespread support for the policies of the Government. However, over the last three years, Ivory Coast has been squeezed by a heavy debt burden and low prices for its export products on world markets. The austerity measures which government has introduced to offset this reduced income have been widely, but not completely, accepted. The President advocates "dialogue" in settling disputes, generally seeking to involve dissenters in the operation of the Ivorian system rather than isolate or imprison them.

In late 1983, the President lifted the ban on the secondary school teachers' union which had resulted from an unauthorized strike earlier in the year. An official investigation into corruption in the government housing program prompted by the teachers' strike resulted in the trial and conviction of a number of government officials. There are no political prisoners in Ivory Coast, and there has never been an execution of political opponents. There is no history of violent action against specific ethnic or religious minorities, although riots directed at foreign Africans have occurred in the past. Detainees, especially foreign Africans, are routinely treated roughly by the Surete Nationale and the Gendarmerie upon arrest.

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

There have never been reports of politically-motivated killing by either the Government or by opposition groups in Ivory Coast.

#### b. Disappearance

There were no reports of abduction or disappearance of individuals by forces with official sanction.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Ivorian penal code prohibits the use of violence by official means without justification. The code does not, however, specifically mention or prohibit torture nor does it define what constitutes "legitimate justification" or the level of violence officials may use. There were no reports of torture during 1984. Systematically cruel, inhuman, or degrading treatment of individuals or prison inmates is not thought to occur routinely, but foreign Africans are treated more roughly by police than are Ivorian detainees. Since the beginning of a government-sponsored anti-crime campaign in 1983, some detainees, primarily foreign Africans, were reportedly denied adequate food and drink, beaten by police and forced to do menial labor. Prisoners are allowed visits from attorneys of their choice and from family members, who must provide food to supplement the sparse prison diet. Prisons are crowded and conditions poor. Sanitation and medical facilities are limited. There is no evidence of discriminatory treatment of prisoners on the basis of sex, ethnicity, race, or type of crime, once they are committed to prison.

### d. Arbitrary Arrest, Detention, or Exile

The Ivorian Constitution and pertinent statutes prohibit arbitrary arrest or imprisonment. People are not detained, punished, or tried for expression of views critical of or different from those of the Government; but the Government has occasionally detained a few individuals it believes to be security threats. It also takes firm non-violent measures against acts it considers threats to internal security. The Government has used the threat of forced conscription to discourage student involvement in anti-government activities. It has arrested student demonstrators, most recently in 1982.

Under the Ivorian penal code, a public prosecutor can detain a suspect for up to 48 hours without bringing charges. During the anti-crime campaign of 1983, several thousand individuals were detained under this provision for identity checks, and many were apparently held beyond the legal maximum. The identity checks continued during 1984 but on a smaller scale. The code dictates that further detention be ordered by a magistrate who can authorize periods up to four months but must provide the Minister of Justice a monthly written explanation of why detention should be continued.

### e. Denial of Fair Public Trial

Ivorian law establishes the right to a fair public trial. This provision is generally respected in urban centers. In rural areas justice is often administered at the village level through traditional institutions. The judiciary is independent of the executive and military. Defendants have the right to legal counsel, and the judicial system provides for court-appointed attorneys for indigent defendants. In practice, however, such attorneys are not readily available. The court of appeals hears appeals of verdicts of civilian courts. Civilians are not tried by military courts. There is no structure of appeals courts within the military justice system. Persons convicted by a military tribunal occasionally request the Supreme Court to set aside the tribunal's verdict and order a retrial. There are no known political prisoners in Ivory Coast.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

With few exceptions, all Ivorian citizens are considered to be members of the Democratic Party of Ivory Coast. Party regulations call for active participation in party activities and payment of dues; however, these regulations are not strictly enforced. Ivorians who choose not to participate do not suffer retaliation. It is not known what percentage of the population actively participates in the party. The code of penal procedures specifies that a police official or investigation magistrate may conduct searches of homes without a warrant if he has reason to believe there is evidence concerning a crime on the premises. The official must have the prosecutor's agreement to retain any objects seized in the search. He is required to have witnesses to the search, which may not take place between the hours of 9:00 p.m. and 4:00 a.m. Legal safeguards against arbitrary searches are generally respected in the modern parts of cities. In less-developed urban sectors and in rural areas, legal safeguards are sometimes ignored. There were no reports of forced entry or other violations of the home during 1984. Monitoring of correspondence and telephone conversations is not widely practiced.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Despite Ivory Coast's established one-party state, there is a large measure of freedom of speech. Critics of the Government feel free to express themselves in informal situations, among Ivorians and foreigners alike, without fear of reprisal. Limits--such as cancellation of gatherings--are occasionally placed on the expression of controversial views in public forums. As a result of 1982 student disorders, only apolitical gatherings are now permitted on campus, but students still speak freely about politics in informal situations.

The country's one daily newspaper is owned by private interests, but its editorial opinion follows the policies of the country's single political party. The one weekly news magazine is controlled by the party. The Ministry of Information operates a wire service, radio, and television. Government policy assigns the media a positive role in promoting national unity and development. It allows criticism of failures of policy execution but not of policies themselves. Investigative journalism of government policies and administration is not permitted, but other types of investigative reporting are allowed. In January 1984, the Government banned a publication entitled "Islam and Ivory Coast." It identified the author as an Ivorian student. Although not officially banned, a book published in 1983 entitled "Ivory Coast: For a Democratic Alternative" by a dissident Ivorian professor is not publicly available in the country. In September 1984, the leadership of the party issued an official statement denouncing an anti-government tract circulating in Abidjan. A certain segment of Ivorian society does not feel free to express openly its views. Foreign publications are readily available, but occasional issues which are particularly critical of the Ivorian Government, the party, or the President are seized.

### b. Freedom of Peaceful Assembly and Association

Freedom of assembly is generally respected in Ivory Coast except when the Government perceives a significant and immediate danger to public order. In such cases, it prohibits meetings and arrests persons disregarding its orders. The majority of unions are organized and directed by a government-sponsored union confederation, the General Union of Ivory Coast Workers (UGTCI), the leader of which occupies a senior position in the party hierarchy. Membership is encouraged but not mandatory. The UGTCI is a relatively passive coordination mechanism rather than an active campaigner for workers' rights. The right to strike exists in theory, but in practice legal strikes are rarely authorized. The 1983 secondary teachers' strike was broken by a presidential decree ordering teachers back to the classrooms and threatening them with prison sentences and fines for non-compliance. Generally the Government negotiates with strikers and resolves at least some of their economic grievances. There have been no reports that professional groups have experienced persecution or harassment. The Government, however, attempts to bring such groups under its wing or that of the party so as to exercise control over their activities. Unions, trade associations and professional bodies are permitted to maintain relations with recognized international professional bodies in their fields. The UGTCI is a member of the continent-wide Organization of African Trade Union Unity (OATUU).

### c. Freedom of Religion

There are no known impediments to religious expression in Ivory Coast. There is no dominant religion, and no particular faith is favored for advancement. The open practice of religion is permitted, and there are no restrictions on religious ceremonies or teaching.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Ivorian Government exercises minimal control over domestic travel. Ivorians can freely travel abroad and emigrate without discrimination. Internal road blocks for identity checks are common. Ivorians have the right of voluntary repatriation. There are no known cases of revocation of citizenship. Ivory Coast's refugee and asylum practices are liberal. The country has resettled or granted safehaven to Angolans, Eritreans, Guineans, Liberians, Indo-Chinese, Voltans, and Ghanaians. While in Ivory Coast, they receive one-year renewable resident visas for their first five years in the country, after which they may apply for permanent resident status. Ivory Coast does not take any significant responsibility for the economic and social welfare of refugees.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Political participation in Ivory Coast is limited to the Democratic Party of Ivory Coast, which is headed by President Houphouet-Boigny. Although the Constitution provides for multiple political parties, the country is in practice a one-party state. No opposition groups exist openly, and their formation is discouraged. Within the party, the President operates through a 9-member executive committee, a 30-member political bureau, and a 100-member steering committee. Political power is concentrated in the President's hands and most important decisions are made by the President himself. Within this strictly observed one-party system, the Ivorian Government has encouraged recently more open participation in the political process. In the 1980 legislative, municipal, and local party elections, any citizen could present himself as a candidate, and approximately 650 individuals ran for election to the National Assembly. The party played no role in choosing candidates or administering the elections. Intense competition took place in all three elections in which all citizens were eligible to vote. About 50 percent of top local party officials were voted out of office, and only 27 incumbent deputies were re-elected to the 147-member National Assembly. As a result of this process, current National Assembly members work more vigorously in their constituents' interest than their predecessors did, and debate within that body is more vigorous and well publicized than was the case before 1980.

Public criticism of basic government policies or of the party and the President rarely occurs, although abuses of the execution of policy--as in corruption cases--are publicized. The party-controlled press often reproaches individuals who criticize policy, although private criticism is common and tolerated.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Government has been cooperative toward inquiries into its human rights situation. Ivory Coast has a chapter of Amnesty International. The last inquiry occurred in 1981 and concerned a published report by Amnesty International in Paris that the Government had drafted striking television employees into the army as a form of extrajudicial punishment. The Government at first maintained that these men were simply doing their duty as conscripts. Later, the men appeared in uniform on national television and were told they were being returned to civilian life. Amnesty International did not include an entry on the Ivory Coast in its 1984 Report. Freedom House terms Ivory Coast "partly free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Ivory Coast's population has reached 9.6 million (1984) with an average annual growth rate of 4 percent (1960-82) and per capita gross national product (GNP) estimated at $953 (1982).

The population includes at least two million foreign Africans, perhaps as many as 100,000 Lebanese and 37,000 French, and a small number of other Europeans, North Americans, and Asians. A great disparity exists between the standard of living of expatriates and the African elites on one hand, and the urban poor and villagers on the other. Nonetheless, there is a sizeable, growing urban Ivorian middle class, and living conditions in the villages have improved markedly and steadily during Ivory Coast's 24 years as an independent state. Most villages have wells, and at least three years of primary education are offered in all but the smallest villages. The country has constructed an excellent nationwide network of paved highways and nearly all Ivorians have access to motorized transportation.

Life expectancy at birth is 48.15 years (1984). The country's infant mortality rate is 119 per 1,000 live births (1984), and its adult literacy rate is 35 percent (1980). Nineteen percent of the population (1976) has access to safe drinking water, and the ratio of calorie supply available for consumption relative to nutritional requirement was 108.01 in 1977. Ivory Coast has a substantial degree of food self-sufficiency. While perhaps 50 percent of the rice, 75 percent of red meat, and 100 percent of the wheat is imported, ample supplies of traditional starches, vegetables, fish, and other proteins are available and affordable. Although malnutrition sometimes occurs, it is largely due to nutritional ignorance and/or distribution problems rather than an overall lack of food.

Three years of recession and negative GNP growth, coupled with government austerity measures (e.g. civil service salary freezes and reduced perquisites), have substantially reduced both purchasing power and the Government's ability to provide services that Ivorians had come to expect. Education absorbs some 30-40 percent of the operating budget and is generally available to all children, Ivorian and foreign, boys and girls. The primary school enrollment, as a percentage of children of primary school age, was 74 percent in 1979. Health, by contrast, absorbs only seven percent of the operating budget and is less widely distributed than educational services.

Better-paying government and private sector jobs seem to be concentrated among the minority Muslim (25 percent) and Christian (15 percent) populations, a phenomenon more related to urbanization and access to education than to a systematic pattern of discrimination. On the other hand, the government's policy of Ivorianization requires that all positions be offered to Ivorians before foreigners; this keeps foreign Africans from most wage and salary jobs in the modern sector. Individuals have property rights and these tend to be protected, at least in urban areas. In rural areas land tenure and possibly other property rights are often dictated by tribal custom.

Although males clearly play the preponderant role overall, some Ivorian traditional societies accord women considerable political and economic power. In rural areas tribal customs dictate the division of tasks and these sometimes fall heavily on women. Female circumcision continues to be practiced among elements of the Ivorian population, although it is rare in urban populations. Official party policy is to encourage full participation by women in social, economic, and political life. The Government has a Ministry of Women's Affairs (without a minister for nearly a year) for this purpose. Women remain very lightly represented at the higher levels of government and the party.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: IVORY COAST

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.AID :................ | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.0 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| OTHER US LOANS.......... | 101.1 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 101.1 | 0.0 | 0.0 |
| ALL OTHER............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 376.5 | 57.4 | 271.8 | 1705.2 |
| IBRD | 374.5 | 32.2 | 250.7 | 1326.8 |
| IFC | 0.0 | 3.6 | 1.3 | 16.2 |
| IDA | 0.0 | 0.0 | 0.0 | 7.5 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 19.8 | 35.5 |
| UNDP | 0.0 | 0.0 | 0.0 | 35.3 |
| OTHER-UN | 2.0 | 0.0 | 0.0 | 7.6 |
| EEC | 0.0 | 21.6 | 0.0 | 276.3 |

# KENYA

Kenya has been a single-party state since 1982. The President, Daniel arap Moi, exercises firm control over both the Government and the party, the Kenyan African National Union (KANU). Since the attempted August 1, 1982, coup, KANU has become a more powerful vehicle for political maneuvering and persuasion, especially following the recent "purge" of longstanding KANU members alleged to have been disloyal to the Government or presidency. To date 17 people have been expelled from the party (15 during 1984), making them ineligible for public office. President Moi has also directed that effective January 1, 1985, all Kenyan civil servants must be party members. Within the evolving one-party system, there is still considerable competition for parliamentary seats. In the September 1983 elections, over 900 candidates competed for 258 seats.

The President also consolidated political power in 1984, in part through his balancing of ethnic groupings. The lengthy judicial hearing into the alleged wrongdoing of former Constitutional Affairs Minister Charles Njonjo, himself a Kikuyu, has had the effect of accentuating the Kikuyu-versus-non-Kikuyu split. Njonjo was removed from office in 1983 and accused of acts of treason against the Government, bribery, corruption, consorting with "enemy powers," and exhibiting personal disloyalty to the President. The published findings of the commission of inquiry listed a number of acts for which Njonjo might have been jailed. However, on December 12, Kenya's National Day, President Moi issued a full pardon to Njonjo, although the defendant had never been convicted of any crime.

In 1984, Kenyan security and military forces became involved in several major border incidents. In February 1984 Government troops allegedly killed several hundred ethnic Somali tribesmen while attempting to restore order in the turbulent Northeast Province. The Government publicly acknowledged its error although it maintains only 57 people were killed. Kenyan troops also supported Ugandan forces against Pokot and Karamajong warriors in eastern Uganda in March and April 1984.

Kenya's fragile economy is experiencing a series of difficult problems: the most serious drought in its history; steadily rising unemployment (400,000 job seekers after at best 20,000 new jobs each year); a population rapidly expanding at over 4 percent a year; and inefficient public corporations which control prices and distribution of major commodities. Moreover, a trend towards disinvestment may be emerging. At year's end the number of U.S. firms represented in Nairobi was approximately 125, down from 130 in 1983. Weak sales prospects in Kenya and East Africa regionally appear to be the principal reason for the declining foreign presence and investment.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

Kenya does not sanction or practice unlawful or arbitrary deprivation of life and there were no reports of political killings in 1984.

b. Disappearance

The Government does not sanction or practice secret arrests, abductions, or other types of disappearances. However, the authorities have not been able to prevent the frequently reported kidnapping of Ugandan refugees by Ugandan intelligence operatives in Nairobi. Apparently, most of these abducted persons are forced to return to Uganda, where they are jailed without trial. In April 1984, the United Nations High Commissioner for Refugees (UNHCR) called the matter to the attention of senior Kenyan officials, but still reports of incidents continued throughout 1984.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is specifically forbidden under the Kenyan Constitution, and allegations that Kenyan authorities use torture are usually investigated. However, actions by security forces in the Northeast Province in February 1984 resulted in extensive killings. Responding to fighting between Degodia tribesmen over water rights, the army and police used excessive force in reestablishing order and reportedly, in the process, subjected tribesmen to humiliation and torture. The Government admitted that some officials "had exceeded their instructions" and subsequently dismissed the Provincial Commissioner. A report of the investigation has not been published, but the Government claimed there were 57 deaths, not the hundreds first reported. In 1982, the Government utilized, for the first time since President Moi assumed office in 1978, the Preservation of Public Security Act, which includes regulations superseding constitutional safeguards. For example, persons formally detained under the provisions of the Act are held in solitary confinement, where they are allowed almost no contact with the outside world, including their attorneys or families. Amnesty International in its 1984 report expressed concern over poor prison conditions and treatment of detainees.

d. Arbitrary Arrest, Detention, or Exile

The Preservation of Public Security Act empowers the state to undertake, without reference to the judiciary, detention without trial for an unlimited period, or other actions to control the activities of individuals which would otherwise be regarded as lawful. Since resuming the practice of detention in 1982, the Government has formally detained or restricted 13 persons under the Act. Ten were released in 1984. Many other Kenyans have been held without being formally detained or charged. Current detainees include a journalist and Kenya's former deputy director of intelligence.

Aside from the unprecedented circumstances created by the attempted coup in August 1982, however, habeas corpus has generally been available in Kenya. Kenyan law requires that persons charged with crimes be brought biweekly before judicial authorities in public court to ensure that investigations are carried out in a timely manner and that prisoners are not mistreated. Approximately 5,000 prisoners, jailed for minor offenses, were released by presidential pardon in 1984.

e. Denial of Fair Public Trial

The judiciary usually exhibits considerable independence but, in cases involving detention under the Preservation of Public Security Act, its authority is limited to ensuring compliance with procedural provisions only. Aside from public security detention cases, the right to a fair public trial is usually observed in Kenya. Civilians are tried in civilian courts and, in all cases, verdicts may be appealed to the Kenyan high court.

Military personnel are tried by military courts and verdicts may be appealed. Most sentences meted out as a result of the August 1982 coup attempt either have been reduced or suspended. No executions of persons allegedly involved in the coup attempt have been carried out. An Amnesty International observer attended three of the six student trials in 1983 and reported that the proceedings appeared to have been conducted in accordance with internationally recognized standards. More than 60 university students had been arrested in August 1982 following the coup attempt; all but six were granted presidential clemency in February 1983.

The major judicial event in 1984 was the inquiry into the official conduct of the former Minister of Constitutional Affairs, Charles Njonjo, a leading Kikuyu and former close associate of the President. Njonjo was removed from office in 1983 and accused of treason and corruption. After many months and 109 judicial review sessions, amid much publicity, the judicial inquiry ended soon after Njonjo took the witness stand in his own defense. Despite a commission of inquiry finding that Njonjo had committed jailable offenses, he was not brought to trial, and on December 12 he was given a full presidential pardon.

Members of the press regularly attend and report on court proceedings whether civilian or military, as in the Njonjo case and the proceedings after the August 1982 coup attempt.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The sanctity of the home is generally respected in Kenya, but security officials sometimes do conduct unwarranted or illegal searches to seize allegedly stolen property or apprehend suspected criminals.

Correspondence with prisoners is monitored, censored, and frequently not delivered. Security officials are invariably present when prisoners or detainees consult with family members or attorneys. Reportedly, security forces occasionally employ surveillance techniques and electronic invasion of the home.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Freedom of speech and the press are proclaimed in the Constitution. In practice, however, these freedoms can be, and have been, narrowly interpreted by Kenyan authorities (e.g., during the 1983 election campaign candidates were prohibited from discussing the Charles Njonjo "traitor affair" in public). The existence and use of the detention provisions of the Preservation of Public Security Act inhibit public exchange of views on political subjects. Kenya has no formal censorship of the local press, but government pressure has in the past been brought to bear on journalists and publications which stray too far from the government line. Official party daily newspapers in English and Kiswahili were established in 1983, thus tacitly reducing the leeway available to other publications in discussing public issues.

The September 19, 1984, issue of the London Financial Times, which included a supplement on Kenya, was not permitted into the country, probably because the Government did not concur with items appearing in the publication.

The Government also discourages students and faculty from political activism. However, three university lecturers, formally detained prior to the August 1, 1982 coup attempt, were released from custody in 1984. Kenya's institutions of higher education were closed immediately following the coup attempt and were reopened only on October 3, 1983.

Kenya has a 30-member film censorship board under the auspices of the Ministry of Culture and Social Services. The board must approve all films shown in Kenya, but a wide variety of uncut foreign films is regularly available. A 10-member television censorship board has established precepts which govern what can be shown on television.

### b. Freedom of Peaceful Assembly and Association

Although the Kenyan Constitution formally sanctions freedom of assembly and association, these rights are sometimes limited by the Public Order and Police Act, which gives local administrative authorities wide powers to control public gatherings. It is an offense to convene an unlicensed meeting, and politicians known to be at odds with central authorities have been investigated for violations of this statute. Nonetheless, licenses for public meetings are rarely denied, and then usually on the grounds that the proposed meeting might generate civil disorder. The Government occasionally has prevented political, religious, and social meetings under the Societies Act.

Forced membership in political organizations is not practiced. Candidates for public office, however, must be members of the party. According to a recent presidential directive, all civil servants must also be party members effective January 1985.

Kenya has a relatively free trade union movement. Its single trade union confederation, the Central Organization of Trade Unions, is affiliated with the Ghana-based, continent-wide, Organization of African Trade Union Unity. Complex labor legislation renders virtually all strikes illegal. Strikes are permitted only if the Ministry of Labor has not taken action within 21 days after the formal declaration of a dispute to have it resolved. The only major strike in the past decade occurred in February 1984, when Nairobi's 8,000 woodworkers went on a one-week strike, which was quickly mediated by the Ministry of Labor. Wildcat strikes of no more than a day or two in length are quite common. Most disputes, however, are settled by the parties concerned. Kenya's dispute mechanism is centered in the Industrial Relations Court, founded in 1964. All Kenyan wage earners are subject to Government regulations limiting wage increases. Nevertheless, some unions have had notable success in obtaining salary adjustments for union members by filing litigation before the Industrial Court. Some unions have also obtained significant additional worker benefits, such as expanded health insurance coverage and increased housing allowances. All collective agreements must be approved by the Industrial Court before they can take effect. The Court has since become the model for several other such labor courts in Africa. Although the Court's case load has risen significantly over the years, it still dispenses justice quickly and fairly.

In August 1980, the Government formally disbanded the Kenyan Civil Servants Union (at that time Kenya's largest union) because of its alleged political activities. The Public Service International has continued to press for a genuine civil servants' union, given Kenya's membership in the International Labor Organization and its having signed the Convention on the Right to Organize and Collective Bargaining. In December 1984, President Moi announced that a civil servants association could be formed, but under government guidelines.

All permanent workers in private enterprise of at least seven persons may be organized into trade unions. Approximately three-quarters of all such enterprise employees are unionized, and about half (300,000) pay voluntary union dues. Unions actually represent a greater number in collective bargaining because non-union workers are covered by collective agreements negotiated for their enterprise. Agreements are usually of two years' duration. A few professional voluntary organizations, such as the Law Society of Kenya (i.e., the Kenyan bar association), exist, but such associations do not conduct themselves as trade unions.

### c. Freedom of Religion

A wide range of religious freedoms exists in Kenya, and freedom of worship is protected by the Constitution. However, the Government has often criticized church officials for meddling in politics and can refuse to register any religious society or group which it believes may pursue activities harmful to public security. The Church of Jesus Christ of Latter-Day Saints (Mormons) has been trying without success to obtain registration under the Societies Act for the past three years. The Government has not registered any churches during that period, but it has not interfered with Mormon meetings.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Preservation of Public Security Act provides for the legal restriction of movement within Kenya of persons considered to be a danger to public security. Between October 1982 and October 1983, Oginga Odinga, former Vice President and a leading politician known for his outspoken opposition to the central Government, was restricted (first to his city, and then to his home) under this Act.

Following the August 1, 1982, coup attempt, the Kenyan Government expanded bureaucratic requirements necessary for travel abroad. These additional hurdles have had a negative impact upon study and research opportunities abroad for Kenyan university students and faculty. Kenya does not, however, formally prohibit emigration of its nationals. Kenyan citizens may not travel to the Republic of South Africa.

Although Kenya suffers from high and increasing unemployment, it continues to accept refugees. During 1984, Kenya's official refugee population increased by approximately 25 percent to about 7,400 documented resident refugees. Of these, over 90 percent are Ethiopian, Ugandan, or Rwandan. In addition to those individuals who obtained official refugee status, between 3,000 and 10,000 additional persons have taken refuge in Kenya unofficially. The Government continues to work with the Nairobi office of the U.N. High Commissioner for Refugees (UNHCR). Kenya also generally respects the right of voluntary repatriation, although there have been lengthy delays in granting repatriation permits to foreign-owned businesses.

In addition to the problem of controlling cross-border abductions of Ugandans (see 1 b), a significant blot appeared on Kenya's otherwise good refugee record in the autumn of 1983, when the Governments of Kenya and Tanzania forcibly repatriated some two dozen of their respective nationals who had settled in each other's country as political refugees. Many of the individuals had been recognized as refugees by both governments and the UNHCR. The exchange was viewed by some foreign governments and by the UNHCR as a violation of refugee rights and agreements. UNHCR officials made representations to the Kenyan and Tanzanian Governments. Subsequently, Kenyan officials indicated that such enforced repatriations would not occur again.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Chief of State, President Moi, supported by a small group of advisors, controls all aspects of policy-making and has increasingly consolidated political power, especially since the attempted coup of August 1, 1982. Kenya became a de jure one-party state on June 9, 1982, and, even though a wide range of candidates and views is generally permitted, elections have not been immune to Government manipulation. However, within the one-party system, campaigns and balloting are ordinarily conducted in a generally free, fair, and peaceful manner. The number of candidates for a particular public office is frequently a half dozen or more, and in the September 16, 1983, general elections up to 15 candidates ran for a single parliamentary seat. Of the 995 persons who applied for KANU party clearance to run for Parliament, 992 were permitted to stand. Of these, roughly 700 ultimately had their names placed on the ballot.

The Kenyan Government encourages but does not coerce the electorate to vote. Turnout has generally averaged between 60 and 70 percent of the eligible electorate, but it fell to just 42 percent in 1983.

Incumbents are frequently voted out of office in Kenya. Since Kenya's independence in 1963, as many as 50 percent of the country's sitting parliamentarians have been defeated during a single election. Last year, the Kenyan electorate rejected approximately 35 percent of Kenya's incumbent parliamentarians, including 5 ministers and 18 assistant ministers. It should be noted, however, that in Kenya's post-independence history neither the President nor the Vice President has ever faced an opposing candidate.

President Moi has expanded tribal representation in the Government and legislature. Members of all ethnic groups are permitted to contest for office, and Kenya has one white Parliamentarian who was reelected in a constituency that is 99 percent black African, despite the presence of several black African candidates on the ballot. Ten different tribes hold cabinet portfolios in the Government, including the first ethnic Somali ever appointed to ministerial rank in Kenya. Twenty tribes are represented among the 43 assistant ministers in the Government. The largest tribe, the Kikuyu (21 per cent of Kenya's 19.4 million), however, now claims that it is underrepresented in the political process.

Only 1 female candidate was elected to Kenya's National Assembly in 1983, although several others contested, and President Moi appointed 2 women to Kenya's National Assembly in 1983 as nominated members (the Kenyan Constitution provides for 12 such presidential appointments). In addition, over 20 female candidates were elected to municipal office.

The range of permissible discussion of, and opposition to, government policies has been fairly broad within the National Assembly. However, discussion is increasingly focused on such subjects as rural development, as the Government reacts to limit parliamentary criticism of national policies. The formal detention in August 1982 of Koigi wa Wamwere, a sitting Member of Parliament who was openly and repeatedly critical of major government policies, exemplifies government sanction against critics. Wamwere was among the four prisoners released on December 12, 1984, who had been detained under the Preservation of Public Security Act.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Government of Kenya is sensitive to criticism of human rights conditions. Various human rights organizations, including Amnesty International, have conducted extensive letter-writing campaigns to the Government with respect to Kenya's resort to the use of formal detention. Although the Government released five persons held under the Public Security Act in October 1983 and an additional four in 1984, Government officials have emphatically rejected the notion that foreign pressure had anything to do with their decision. President Moi has specifically and publicly criticized Amnesty International for "meddling" in Kenyan internal affairs.

Although there are several Kenyan organizations which address certain aspects of human rights issues, there is no group which focuses exclusively on human rights concerns in Kenya. Kenya has neither signed nor ratified the Organization of African Unity's human rights charter which was adopted at the Organization's July 1981 summit in Nairobi.

Freedom House rates Kenya "partly free."

# KENYA

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Kenya has one of the most dynamic and successful economies in Africa with a highly developed private sector and, in most years, food self-sufficiency. The Kenyan Government has taken action to improve the country's health care, education, and standard of living, but recent economic difficulties, including an unprecedented drought, have retarded progress in these areas. Because of the food crisis, Kenya must import a record 1.5 million tons of grain before the end of 1985. Real per capita growth of gross national product ($391.50 in 1982) has been virtually stagnant over the last several years. Kenya's economic problems are exacerbated by an annual population growth rate of 4.2 percent--the highest in the world. The Government is stressing both the importance of the private sector and of increasing agricultural output. Yet its continued reliance on inefficient public corporations, which control major commodity prices and distribution, is an obstacle to achieving these goals.

About one-quarter of Kenya's regular wage earner labor force works in agriculture, the sector paying the lowest wages. Significantly, however, only 1 million people (out of the 7.4 million estimated to be in Kenya's workforce) are in the formal sector, i.e., the wage economy. Kenya's workforce in the year 2000 will number approximately 14.6 million, putting even greater strain on the country's society and economy. Approximately 85 percent of Kenya's 19.4 million people live in rural areas, and 10 percent of the urban population and 55 percent of the rural population were estimated in 1978 to live below the poverty level. Western and Nyanza Provinces contain the largest numbers of the rural destitute population.

Another looming economic and social problem concerns Kenya's 70,000-member Asian community which directly accounts for approximately one-fourth of Kenya's total economic output. African resentment of Asians, primarily because of their extensive business holdings, has intensified in direct proportion to Kenya's current economic decline. Kenya's Africanization campaign to encourage black African participation in commercial interests has resulted in some Asian emigration and disinvestment and has prompted concern within the community for the security of Asian ownership.

Women constitute an essential factor in Kenya's labor equation. They still provide about three-quarters of Kenya's farm labor while carrying out their traditional familial responsibilities. Because of an accelerating rural out-migration of males to the cities in search of difficult-to-find but higher paying jobs, female farm labor is likely to maintain its prominent position. Several of Kenya's tribes still practice female circumcision. The Kenyan Government, however, has made a major effort to eliminate the practice. President Moi has publicly and repeatedly condemned female circumcision, and the Ministry of Health has forbidden such operations to be performed in government facilities.

Primary and secondary education are strongly encouraged in Kenya. The primary school enrollment ratio is 129.9 percent (1980), but secondary school enrollment rates drop sharply: of all students between ages 15 and 19, only 25 percent of males and 15 percent of females are enrolled in secondary school. About 2 percent of Kenya's college age population is enrolled in institutions of higher education, and of these students only 25 percent are female.

The considerable progress which Kenya made in health care in the early independence period has slowed in recent years. Life expectancy has risen steadily, however, from 42.5 years in 1960 to 57.7 in 1984. Concurrently, the infant mortality rate has steadily declined: in 1960 the rate was 150 per 1,000, a figure which dropped to 83 by 1977 and now stands at 60.9.

Although the most recent data available (1975) indicate that virtually all city dwellers have access to clean water, only four percent of Kenya's rural population has regular access to safe water. Last available data (1977) on caloric consumption indicate that 93.4 percent of Kenya's minimal nutritional requirements are met. The current drought in all probability will reduce that percentage.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
## (U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: KENYA

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 59.3 | 81.5 | 71.8 |
| LOANS.............. | 18.9 | 25.9 | 30.2 |
| GRANTS............. | 40.4 | 55.6 | 41.6 |
| A.AID ................. | 38.9 | 60.6 | 53.3 |
| LOANS.............. | 4.6 | 11.6 | 25.4 |
| GRANTS............. | 34.3 | 49.0 | 27.9 |
| (SEC.SUPP.ASSIST.)... | 10.7 | 30.0 | 21.0 |
| B.FOOD FOR PEACE....... | 17.4 | 16.9 | 13.6 |
| LOANS.............. | 14.3 | 14.3 | 4.8 |
| GRANTS............. | 3.1 | 2.6 | 8.8 |
| TITLE I-TOTAL.......... | 14.3 | 14.3 | 4.8 |
| REPAY. IN $-LOANS..... | 14.3 | 14.3 | 4.8 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 3.1 | 2.6 | 8.8 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 5.6 |
| VOL.RELIEF AGENCY..... | 3.1 | 2.6 | 3.2 |
| C.OTHER ECON. ASSIST... | 3.0 | 4.0 | 4.9 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 3.0 | 4.0 | 4.9 |
| PEACE CORPS...... | 3.0 | 4.0 | 4.9 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER........... | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 33.1 | 21.7 | 23.6 |
| LOANS.............. | 22.0 | 10.0 | 10.0 |
| GRANTS............. | 11.1 | 11.7 | 13.6 |
| A.MAP GRANTS.......... | 10.0 | 10.3 | 12.0 |
| B.CREDIT FINANCING.... | 22.0 | 10.0 | 10.0 |
| C.INTL MIL.ED.TRNG.... | 1.1 | 1.4 | 1.6 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 92.4 | 103.2 | 95.4 |
| LOANS.............. | 40.9 | 35.9 | 40.2 |
| GRANTS............. | 51.5 | 67.3 | 55.2 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 168.0 | 237.9 | 298.0 | 2245.1 |
| IBRD | 70.2 | 79.9 | 145.0 | 1162.0 |
| IFC | 9.5 | 7.4 | 47.2 | 115.6 |
| IDA | 61.0 | 113.0 | 64.5 | 694.2 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 13.8 | 19.2 | 41.3 | 117.6 |
| UNDP | 7.0 | 1.4 | 0.0 | 62.6 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 17.2 |
| EEC | 6.5 | 17.0 | 0.0 | 75.9 |

# LESOTHO

Lesotho is nominally a constitutional monarchy but, in fact, almost all political power is held by Prime Minister Leabua Jonathan and his ruling Basotho National Party. In 1970, Jonathan suspended the Constitution, which provided for parliamentary democracy, and declared the results of that year's elections null and void. Seats in the present National Assembly are all appointed, with a heavy majority going to Basotho National Party members, who also currently hold all cabinet portfolios. The Government asserts that traditional democratic practices are preserved through the holding of mass public meetings known as "pitsos," but dissent is rarely aired at these government-orchestrated gatherings. The Government also emphasizes respect for the chieftancy system, hierarchically extending from village chiefs to district chiefs to the king, although this system plays a marginal role in the national decision making process. The main function of the "pitsos" and the chieftancy system is to elicit public support for decisions already made by Jonathan's Government.

A sporadic armed insurgency waged since 1978 by supporters of Basotholand Congress Party leader Ntsu Makhehle abated in 1984, with only one attack reported. The insurgents, known as the Lesotho Liberation Army, have in the past been held responsible for attacks on government and/or ruling party installations and personnel including cabinet ministers. The Government does not believe, however, that the insurgents have permanently abandoned their campaign of violence and continues to cite the threat of renewed attacks as justification for the strengthening of security laws.

The Human Rights Act of 1983, technically guaranteeing many fundamental human rights, came into force in July 1984. However, this Act is "subject to the provisions of existing law," which includes temporary detention without trial and other restrictions on human rights. The Parliament passed a new internal security bill in 1984, which codifies existing security laws, removes bail in cases of armed robbery, increases sentences for certain security offenses, and allows for the detention of witnesses in security cases. While the courts have not hesitated to rule against the Government in security cases, potential for mistreatment of prisoners prior to trial remains high, as it is also for those detained for purely criminal offenses.

Lesotho is a developing country which has a free market economy based primarily on subsistence agriculture. The economy is highly dependent on remittances by Lesotho citizens engaged in migrant labor in South Africa, amounting to 40 percent of Lesotho's gross national product. The Government is likewise dependent on revenue generated by the South African Customs Union, which accounts for 70 percent of government revenue. The economic situation worsened in 1984 primarily due to a major drought which plagued most of southern Africa.

# LESOTHO

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

Although acts of violence attributed to the Lesotho Liberation Army decreased markedly in 1984, a small number of deaths undoubtedly occurred. One person died while apparently constructing bombs.

Individuals with political opposition and/or suspected insurgent ties have been attacked by persons alleged to be members of the police, the army, or local police volunteer units. One prominent opposition supporter was shot at by unknown assailants outside his house in July 1984. Two separate armed attacks in late 1984 on shops owned by two brothers identified with the opposition resulted in the death of one of the men and his son and the wounding of the other. One of the dead men had been acquitted on treason charges earlier in the year. A magistrate's inquest into the 1983 death of Henry Masheane, who allegedly hung himself while in security detention in 1983, was completed with the finding that Masheane had been killed while in detention, although no one was held responsible.

#### b. Disappearance

No disappearances were reported in 1984.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Beatings by police and military personnel continue to be reported, although they are difficult to document. Such abuse generally takes place during the arrest and interrogation phases, and it is apparently not limited to cases related to national security but extends to common criminals as well.

Conditions in places of detention are extremely poor. Given the constraints on government spending, any improvement in detention facilities appears unlikely. Prisoners who can afford lawyers (and are thus more likely to file lawsuits charging abuses) usually receive better treatment.

#### d. Arbitrary Arrest, Detention, or Exile

Habeas corpus applies to ordinary arrests and few prisoners are held outside legal norms. Habeas corpus does not apply to those detained under the Internal Security (General) Act of 1982. This act provides for preventive detention under an interim custody order of an initial period of 14 days, after which a detention order must be issued or the individual released. The detention order is valid for 14 days and may be extended an additional 14 days, after which the detainee must be charged or released. If released, the individual may be redetained only for a different cause.

The initial 14-day detention may be effected by any policeman; the second period of 14 days can be ordered only by the Commissioner of Police. The third period must be ordered by a Minister. During the initial 14 days, access to the detainee requires police permission; during the second stage, ministerially appointed "advisers" are permitted access. Advisers so far appointed have been district coordinators, magistrates, or government medical officers, all employees of the State. The function of the "advisers" is to report on the health of the detainee, to investigate whether a detainee has been involved in subversive activities, and to advise the Minister on the need for the continued detention. Since they do not have access to attorneys, individuals under preventive detention may make representations on their treatment only through the "advisers." The Internal Security (General) Bill of 1984 revokes bail in cases of armed robbery and allows for detention of witnesses in security cases.

### e. Denial of Fair Public Trial

The judiciary in Lesotho is independent and has acted to limit police or military infringements of law and procedure on a number of occasions. Court decisions and rulings are respected and obeyed by the authorities. Civil suits alleging maltreatment are accepted and adjudicated. Verdicts of civil courts may be appealed to the high court. In military cases, decisions may be appealed to officers of higher rank, including to the Lesotho Paramilitary Force Commander, but not to civilian courts. Under the system of Roman-Dutch law applied in Lesotho, there is no trial by jury.

Eleven men allegedly associated with the Lesotho Liberation Army were tried on charges of high treason before the High Court in early 1984. The defendants were accused of involvement in a series of sabotage incidents. The Chief Justice, who presided, dismissed the case for lack of evidence without the defense having to present its case. A number of witnesses for the prosecution failed to appear, while others testified that their evidence was obtained under duress. The case of the lone female defendant was dismissed before going to trial.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

These rights are generally respected in Lesotho, although under the Internal Security Act of 1982 the police are given wide powers to stop and search, and to enter homes or other places for a similar purpose without warrant. Forced entry of the home has in the past been credibly alleged but is quite possibly the result of indiscipline rather than deliberate policy. The leader of one small opposition party reported that his home and offices were searched by the police, who confiscated some of his records and a tape of an interview he had made with South African radio.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The Internal Security Act of 1982 does not contain safeguards of free speech. In practice, opposition viewpoints are freely expressed only in two Sesotho-language weekly newspapers published by the Roman Catholic and Evangelical Churches. In 1984, criticism centered on the lack of elections, the Government's format for proposed elections, Lesotho's recognition of the People's Republic of China, and the establishment of diplomatic relations with several eastern bloc countries, including the Soviet Union. This criticism has been tolerated but has been rebutted and attacked by government-owned Radio Lesotho (the only radio station in Lesotho) and in the government-published Lesotho Weekly. The Government has also strongly criticized articles and viewpoints in the South African media, which are widely read and listened to in Lesotho.

As talk of elections increased in 1984, Radio Lesotho sharply stepped up its attacks on opposition parties and politicians, depicting them variously as irrelevant splinter groups with no support, opportunistic political has-beens, or agents of South Africa. One dissident member of the ruling party apparently applied for air time but was turned down. With the government-controlled radio serving as the voice for the ruling party, opposition viewpoints have as their only outlets the two church weeklies, or the South African media.

Thabo Lesehe, the Assistant Editor of the Lesotho Evangelical Church paper, was detained for several weeks in early 1984 and subsequently released without charge. The Roman Catholic newspaper was censured by the Parliamentary Privileges Committee for allegedly misrepresenting remarks made in a speech by the Minister of Justice and Prisons, although the Committee seems to have no legal standing to enforce such a condemnation.

### b. Freedom of Peaceful Assembly and Association

Permits are required for public and private meetings. Groups wishing to hold political rallies or organized sessions sometimes encounter harassment, generally in the form of denial or delays of permit applications, or of investigatory arrests of persons attending. Members of the police can generally be expected to attend such meetings. Despite these restrictions, numerous rallies were held in 1984 by the opposition parties.

Although freedom of association is generally respected in the trade union sphere, the Government intervened to encourage the formation of a single trade union confederation after negotiations for the merger of the two existing confederations broke down. The Government declared the registrations of both confederations null and void, and as a result most of the member unions of the two met and approved the formation of a new combined confederation, the Lesotho Congress of Free Trade Unions (LCFTU). Some trade unions associated with the former Lesotho Federation of Trade Unions have criticized the new confederation, alleging that some union leaders who joined the new confederation did so without the approval of their membership.

All trade unions in Lesotho enjoy the right to organize, bargain collectively, and strike. However, trade unionism has played a relatively minor role in the society, largely because of the small size of the modern manufacturing, retail, and service sectors.

Union, government, and employer representatives have participated in delegations to the International Labor Organization and other foreign and international trade union organizations, and there are a number of programs and projects sponsored by these groups designed to strengthen trade unionism in Lesotho. The LCFTU is a member of the democratic-oriented, Brussels-based International

Confederation of Free Trade Unions, as well as of the Organization of African Trade Union Unity.

c. Freedom of Religion

These is no state religion in Lesotho. Free and open religious practice is permitted. Christianity is the dominant faith, with the principal denomination being Roman Catholicism. There is a significant Protestant minority composed of the Lesotho Evangelical Chruch (Presbyterian), Anglican Church, and a wide variety of other denominations. Conversion is permitted, and there is no indication that members of a given religion are persecuted or discriminated against on that basis or gain any advantage over another.

Although some of the Government's principal opponents have belonged to the Lesotho Evangelical Church, many government officials are likewise active in that faith. A number of churches are engaged in a dialogue with the Government and exiled opposition political leaders with the aim of promoting "national reconciliation" with exiled opponents of the regime.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Movement within the country is free, although temporary police and military roadblocks are sometimes set up to counter insurgent activity. There is no legal restraint on emigration, but overseas travel is made more difficult by a sizable repatriation deposit required of passport applicants. Large numbers of Lesotho citizens perform migrant labor, taking advantage of employment available in the mining and other sectors of the South African economy. Several thousand political refugees and economic migrants from South Africa reside in Lesotho. They are generally free to move about the country, although the Government imposes restrictions on the political activities of refugees as a condition of their entry. Government policy is to integrate South African refugees, insofar as possible, into the mainstream of Lesotho society. A small number of South African refugees left Lesotho for other neighboring countries in late 1983, reportedly to avoid possible reprisal from South Africa. Although Lesotho is a signatory of the U.N. Protocol Relating to the Status of Refugees, refugees who leave Lesotho on U.N. travel documents issued by Lesotho are sometimes not granted the right to return.

While a number of political exiles from Lesotho are resident in neighboring countries, notably Botswana and South Africa, repatriation is not discouraged. The 1980 Amnesty Act allows political exiles to return after signing statements concerning any criminal acts they may have committed, but few have done so. Internal opposition leaders have called for the Government to assure the safe return of political exiles in conjunction with any future elections. Prime Minister Jonathan has publicly stated that he would favorably consider an amnesty application, if made, by Ntsu Mokhehle, the exiled leader of the Lesotho Liberation Army.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Prime Minister Jonathan and the leadership of his Basotho National Party have ruled Lesotho since they were freely elected by a narrow margin in 1965, manipulating the system to remain in power. In 1970, when the results of the first (and so far only) post-independence elections appeared to be going against him, Jonathan declared a state of emergency, suspended the constitution, and voided the election results. Subsequently, an "interim" Parliament was appointed, with the vast majority of seats going to the Basotho National Party and a handful to the Basutoland Congress Party and the Marematlou Freedom Party.

Contrary to the Government's promise, the 1984 session of the interim Parliament adjourned without a date being set for elections. The interim Parliament did pass three electoral amendment acts which, inter alia, call for staggered voting, a significantly larger deposit for each parliamentary candidate, and more voter signatures on a petition required for each candidate to be placed on the ballot. The opposition parties charged that these new measures could be used to intimidate voters and discourage opposition candidates from running.

The lack of elections has made it difficult to estimate the level of popular support accorded to any of the parties. Several opposition parties have announced their intention to contest elections when they are eventually held. The exiled leader of the military wing of the Basutoland Congress Party, Ntsu Mokhehle, has apparently rejected the elections proposed by the Government as unfair and refuses to take part. Other members of the Basutoland Congress Party who have eschewed violence operate openly in Lesotho, as do the other opposition parties, but the public activities of all are somewhat restricted by security legislation. The newly formed Basotho Democratic Alliance, which registered as a political party after several opposition politicians had discussions with the South African Foreign Minister, has been criticized by the Government because of its alleged South African ties. Two of its leaders who held seats were expelled from Parliament.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

In past years, representatives of Amnesty International who have visited Lesotho to investigate human rights conditions have met with government officials and been provided access to some security detainees who complained of abusive treatment. In general, the Government has attributed alleged human rights violations to an excess of zeal or indiscipline by low-level police or military officials, not sanctioned by government policy, and pointed to the judicial remedies available in the courts. In its 1984 report, Amnesty International was concerned about the use of detention without trial and the failure to investigate allegations of torture of detainees. Members of Amnesty International reportedly wrote to Lesotho government officials in 1984 concerning the status of several security detainees, but it is not known what reply they may have received. Freedom House rates Lesotho "partly free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Lesotho is one of the countries designated by the United Nations as "least developed," with a per capita gross national product of $512 in 1982. Over 40 percent of this amount was made up from remittances from immigrant workers in the

Republic of South Africa. About 90 percent of the country's imports and tourist traffic comes from South Africa. In addition, Lesotho is tied to South Africa through a customs union and an interchangeable currency. Customs union receipts in recent years have averaged about 70 percent of total government revenues. These funds, coupled with donor support programs, have managed to prop up a shaky and apparently unstable fiscal program, at the price of South African domination of Lesotho's agricultural sector. In addition, the potential of well-paying jobs, by Lesotho standards, has attracted the cream of the labor force to South Africa at the expense of local development. Only about 10 percent of the indigenous Lesotho labor force is employed outside traditional agriculture.

Lesotho's economic plight is further complicated by its general lack of natural resources, its mountainous terrain, and its generally low rainfall. Development of water resources, including potential hydropower, appears the best long-range hope for economic development.

The 1984 population was estimated to be 1,474,000, with an annual growth rate of 2.5 percent. Life expectancy was estimated to be 53.77 years in 1984. The infant mortality rate was 99.4 per 1,000 live births in 1984, down from 104.3.

Nutritional standards are adequate, with the ratio of calorie supply available for consumption to nutritional requirements estimated in 1977 to be 98.46 percent. However, a reduction in food supplies due to the current drought has hit some areas hard, with reports of serious malnutrition among children in certain villages. In 1975, only 17 percent of the population was estimated to have access to safe water. Major efforts by both the Government and donors since then have greatly increased this percentage, although exact figures are not available.

Lesotho has a long history of church-sponsored primary schools located throughout the country, which have contributed to a comparatively high adult literacy rate. School enrollment in 1979 was 118.34 percent overall--96.2 percent for boys and 140.8 percent for girls. (Refugees from South Africa account for this increased ratio beyond 100 percent.) Although a basic church-sponsored education system is in place, both the Government and the churches lack the funds to standardize training, improve standards, and replace and develop needed facilities. Generally, the education provided is highly academic and provides little or no vocational training.

All Basotho have fairly equal opportunity within the confines imposed by political reality, although in the areas of property and contracts married women's rights, independent of their husbands, are limited by custom and law. For example, married women cannot apply for loans without their husband's written consent. Women in Basotho society have traditionally been a stabilizing force, due to the absence of hundreds of thousands of men working in South Africa. Fuller use of their talents and abilities will depend on the progress Lesotho makes in providing education, health, and other social services to the rural areas where the overwhelming majority of those women live.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: LESOTHO

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 16.6 | 21.0 | 22.2 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 16.6 | 21.0 | 22.2 |
| A.AID ................. | 10.2 | 12.3 | 10.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 10.2 | 12.3 | 10.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 5.1 | 7.3 | 10.7 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 5.1 | 7.3 | 10.7 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 5.1 | 7.3 | 10.7 |
| E.RELIEF.EC.DEV & WFP. | 0.8 | 3.3 | 4.6 |
| VOL.RELIEF AGENCY..... | 4.3 | 4.0 | 6.1 |
| C.OTHER ECON. ASSIST... | 1.3 | 1.4 | 1.5 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 1.3 | 1.4 | 1.5 |
| PEACE CORPS...... | 1.3 | 1.4 | 1.5 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 16.6 | 21.0 | 22.2 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 16.6 | 21.0 | 22.2 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 10.6 | 10.3 | 31.8 | 181.6 |
| IBRD | 0.0 | 0.0 | 0.0 | 0.0 |
| IFC | 0.0 | 0.0 | 0.0 | 0.3 |
| IDA | 0.0 | 0.0 | 15.2 | 85.4 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 8.6 | 9.4 | 16.6 | 69.2 |
| UNDP | 2.0 | 0.9 | 0.0 | 23.4 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 3.3 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## LIBERIA

Liberia has been ruled by a military government since a 1980 coup ended 133 years of constitutionally elected government. The previous Government was an oligarchy of freed slaves who had come to Liberia seeking freedom denied them in the United States and the West Indies. This group and their descendants, called "Americo-Liberians," largely excluded from political and economic power the 95 percent of Liberia's population which came from indigenous ethnic groups. Master Sergeant Samuel Kanyon Doe and 16 fellow coup-makers, all young non-commissioned officers from indigenous backgrounds, justified taking power as a revolt against elite rule. Doe and his colleagues established a military government called the People's Redemption Council (PRC), suspended the Constitution, instituted martial law, and placed a ban on political activities. Thus, for the present, Liberia has a military government with few institutional checks on the power of the Head of State and the executive branch, although the judiciary can and does act independently, as recently occurred in two major cases.

In December 1980, Head of State Doe pledged to return Liberia to civilian rule in 1985. Since that time, he has repeatedly and publicly reaffirmed his commitment to the transition to democratically elected, constitutional, civilian rule, now announced for January 1986. In preparation, a new Constitution was drafted by a National Constitution Commission, and approved in a referendum in July 1984. This was followed by the dissolution of the PRC and the establishment of an Interim National Assembly, comprised of all former PRC members and 36 appointed civilian members, with Head of State Doe serving as its President. Next, on July 26, 1984, the ban on political activities was lifted, except in educational institutions, and within 3 months, 13 political parties had formed and announced their intention to contest the elections.

This steady progress has since slowed due to stiff registration requirements for political parties, and the promulgation of Decree 88A, which has a chilling effect on political expression by blurring the limits of permissible criticism of the Government.

Also in 1984 there have been more frequent detentions of individuals without charge (four journalists, one lawyer, and several political figures); a seven-month closure of a leading independent newspaper; the public flogging without trial of two government officials accused of theft; and the violent dispersal on one occasion of protesting students and subsequent closure of the University of Liberia.

Liberia has a mixed economy with significant state enterprise activity in utilities, agriculture marketing, and transportation. Foreign exchange receipts and government revenues are heavily dependent on exports of iron ore, rubber, and timber, all of which have suffered prolonged market decline. Education, wealth, and commercial property are concentrated in a narrow elite while two-thirds of the population remain in subsistence agriculture. The Government has attempted to reduce income disparities by increasing employment in government, the country's largest single employer, and raising minimum wages for civil servants and the military. Economic constraints, mismanagement, and corruption have hindered broader access to education, health services, and participation in the modern sector. Corruption persists despite periodic trials of government officials for theft and corruption. Literacy is estimated at 25 percent and unemployment at 18 percent, although the latter may approach 50 percent in certain areas, such as Monrovia.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

There were no confirmed reports of political killings in Liberia in 1984.

#### b. Disappearance

In 1984 there were no permanent disappearances of persons resulting from actions of government, quasi-government, or opposition elements, although arbitrary arrests and detentions, mostly short term, have continued. Four persons were reported missing after troops were used to put down demonstrations on the University of Liberia campus in Monrovia; one has been found and the investigation continues in the other three cases.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Suspects in criminal offenses may be subjected to beating or lashing by security personnel as a summary form of "justice" upon or shortly after apprehension. However, it is not in most cases repetitive nor used as a tool in interrogation. Prisoners are also often stripped to their underwear in an effort at humiliation and to impede their escape. These practices run counter to Liberian judicial principles and are not condoned by the Government, although they have proved difficult to curb. However, some criminal statutes authorize sentences including periodic administration of a specified number of lashes. In October 1984, the Minister of Finance ordered the public flogging without trial of two government officials accused of theft.

Custom and government regulations permit "trial by ordeal" in some civil and criminal cases although senior government officials have spoken out against the practice. While the suspect's consent is formally required, social pressure may play a coercive role. The ordeal usually consists of drinking a liquid prepared from the bark of the "sassywood" tree. Vomiting the liquid after ingestion indicates innocence, while its retention signifies guilt. However, even if vomited, the potion may be toxic. There have been no reports of "sassywood" related deaths in 1984.

Most prisons lack proper nutritional, exercise, and sanitary facilities. However, the Palace of Correction in Zwedru, Grand Gedeh County, is reported to be clean, modern, and spacious.

#### d. Arbitrary Arrest, Detention, or Exile

Since the 1980 coup, martial law has coexisted with civilian law enforcement and judicial machinery. While the

Constitution and the right of habeas corpus have been suspended, the full body of pre-coup statute and case law is regarded more or less as valid. Civilians charged with statute violations are arrested by police under warrant and must be charged within three days of the arrest. Suspects have the right of bail in non-capital offenses, are entitled to legal counsel, and may only be convicted in a court of law under the due process procedures. Security officers charged under council decrees, and in some cases civilians, may be arrested by armed forces personnel, and brought before the Special Military Tribunal. The Tribunal is a panel of three uniformed officers which operates using the standards of the Uniform Code of Military Justice of the U.S. military.

Reports of abuses by police and soldiers are frequent, although declining in response to disciplinary efforts. Reports of harassment are common. Civilians have reportedly been arrested or threatened with arrest by soldiers and police who then required payment of a "fine." In other cases, members of the former PRC arrogated to themselves informal authority to arrest, detain, and try persons involved in civil and labor disputes. Fines and short prison sentences were sometimes imposed without reference to due process or to relevant statutes and decrees. The Government condemns these practices and regularly makes statements calling for their eradication.

In late August and early September, several leaders of one of the political parties were arrested and accused of plotting a coup. The Liberian Council of Churches, the entire administration of the University of Liberia, and the majority of the political parties petitioned the Head of State for their release. Western diplomats also expressed their concern that the accused be given a speedy and fair trial. Seven weeks after the arrests, the detainees were released without formal charges having been brought against them.

In a violent incident on August 22, soldiers entered the campus of the University of Liberia by order of the Head of State to disperse several thousand students who were protesting the detention of a prominent Liberian educator and political leader. The Government has stated that 102 injuries resulted, 5 from gunshots, and acknowledged that some people were made to strip, were beaten and whipped, and even raped. The incident has not yet been thoroughly and independently investigated, but the Government has denied claims by various groups that people were killed.

During 1984, the Government also detained four journalists and a lawyer without charges after they made statements critical of the Government. All were released after two to five months in prison. In December, five individuals were arrested and accused of publishing a series of leaflets critical of the Government; however, they have not been formally charged. One party official is currently under arrest for criticizing government action with regard to the arrest of a prominent Liberian educator and political leader.

Detainees are not usually held incommunicado, though occasionally a detainee will be denied visitors for several days. In some instances bribes are demanded by guards before family members are permitted to visit those jailed.

## LIBERIA

The Liberian Government does not exile its citizens. In fact, the Head of State and other government officials have on many occasions urged Liberians who fled or stayed abroad after the coup to return home. The Government specifically excluded from its amnesty two former regime figures who remained abroad: former Vice President Bennie Warner, and former True Whig Party Secretary Clarence Simpson. However, on July 26, the Head of State granted amnesty to Bennie Warner. Those Liberians who did return have not been persecuted by the Government.

### e. Denial of Fair Public Trial

Liberia's civilian court system is based on Anglo-American jurisprudence, and the military courts follow the Uniform Code of Military Justice of the U.S. military. While there are many good judges and lawyers, there have been numerous allegations of corruption among lawyers and judges and of interference in court cases by senior government officials.

For three months in 1984, the Special Military Tribunal tried the case of 19 defendants, some of whom were civilians, charged in November 1983 with conspiring to overthrow the Government. The trial was closed to the public and only representatives of the government-owned media were present. There were allegations that the trial was manipulated by the Government. Thirteen of the defendants were found guilty and sentenced to death. However, two days later the Head of State gave clemency to 10 of the 13. Ultimately, three men found guilty of murder during a raid connected with the alleged coup were executed.

Historically, the judiciary in Liberia has been very weak and vulnerable to influence exerted by the executive branch. However, in 1984, the courts showed considerable independence and integrity in two major cases of interest to the Government. On June 21, the Special Theft Court, a panel of three judges whose decisions are not subject to appeal, acquitted former Director of the National Housing and Savings Bank Hilary Dennis of embezzlement charges, on the grounds that the prosecution "was negligent and failed to present a prima facie case." The strongly worded decision was especially important because it had been alleged that the Special Theft Court was vulnerable to government pressure.

The same court, however, has also accepted jurisdiction in disputes in which its jurisdiction is open to question. It recently ordered the arrest of heads of private companies in two instances of disputes with employees or clients on compensation and insurance claims. It has been argued that such disputes belong in appropriate civil courts, whose judgments are subject to appeal. Both cases were dismissed, but only after considerable delay.

Another important trial was the case of the Daily Observer, a leading independent newspaper closed by the Government in January for printing articles critical of the Government. The case was heard by one of the Supreme Court justices, who ruled in April that the Government had no case. The paper resumed publication in August 1984.

The Head of State's statement in late 1984 that a prominent Liberian educator and politician (who had been detained for subversion and was subsequently released without being charged) should be considered guilty until proven innocent, and Doe's reversal in December of a unanimous Supreme Court decision, have raised fears within the judiciary and the public at large over the independence of the judiciary.

Traditional courts presided over by tribal chiefs are not bound by Anglo-American common law or judicial principles but apply customary unwritten law to domestic and land disputes and petty theft. Customary court decisions may be reviewed in the statutory court system, or may be appealed through a hierarchy of chiefs, followed by administrative review by the Internal Affairs Ministry, and in some instances a final review by the Head of State. Allegations of corruption and incompetence involving the traditional courts are often heard.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Under the martial law regime currently in effect, security forces may enter private residences without warrants, although civilian courts continue to issue warrants in the majority of cases. There were several cases reported in 1984 of persons arrested in their homes without warrants. In none of these cases, however, was the residence reportedly entered forcibly.

In enforcing the ban on political activities, Liberian security services monitored the activities of groups or individuals believed to harbor political ambitions, and have continued to do so after the ban on politics was lifted. Surveillance is not widespread or generalized, however.

There have been some instances reported of mail-opening by government forces. There is no express prohibition on receiving foreign publications, but occasionally the Government attempts to ban a particular issue of a foreign periodical that it considers especially critical.

The Government has returned most of the real and personal property confiscated after the coup. In April 1984, Head of State Doe ordered the immediate return of any confiscated properties not previously returned to their owners.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The Government has dealt inconsistently with the issue of freedom of speech and press. Government officials have made statements affirming support for free speech. At the same time, however, the Government has passed laws restricting free speech and press.

In 1980, Council Decree 2-A was passed outlawing efforts to "control, influence, oppose, castigate or deride (government) actions on policies." The law mandates death by firing squad for offenders. Only two prosecutions have been brought under Decree 2-A, both prior to 1983, and in both the convicted defendants were pardoned by the Head of State.

But in 1984, the Government increased its restrictions on freedom of speech and press. In August, the Government announced Decree 88A which makes it a felony to accuse any government official or other individual of any crime if the purpose of the accuser is to injure the person's reputation, to create disharmony, to spread rumors, to undermine the security of the state, or impede the electoral process. Three members of an opposition political party have been charged with violations of Decree 88A; however, only one is imprisoned (he was held for six weeks before charges were brought), as the authorities have been unable to locate the other two. In December, five individuals were arrested and accused of publishing a series of leaflets critical of the Government. The detainees may be charged with a violation of Decree 88A, but they have not yet been formally charged with any crime. The two major independent newspapers, several political parties, and the Liberian Council of Churches have publicly stated that Decree 88A is an unwarranted restriction on freedom of speech and press.

In addition to statutory limitations, the Government has taken other steps which have had the effect of restricting freedom of speech and press. Besides the politician who continues to be detained and has been charged with a violation of Decree 88A, four journalists, one lawyer, and one other politician were detained without charges after making statements critical of the Government. All were released after two- to five-month prison terms, and no charges were ever brought. The politician was publicly accused of having plotted to overthrow the Government but was never formally charged. He was released after seven weeks.

In January, the Government closed the Daily Observer, a leading independent newspaper, and began legal proceedings to revoke its license to publish. This was the fifth time since the 1980 coup that the Government has closed this newspaper. In April, a Supreme Court judge ruled that the Government had no case; the Justice Ministry appealed the verdict, but in July the Head of State ordered that the paper be allowed to reopen.

The result of the government actions to restrict free speech and press has been to introduce an unspecified degree of self-censorship to avoid confrontation. The independent press usually avoids direct criticism of government policies. In analyzing public issues, finding fault with the status quo and suggesting remedies, however, editorials regularly express criticism indirectly. In some instances, the Government has forbidden reports on specific events, such as labor unrest or school disturbances, whose disclosure could prove embarrassing to it. There is no organized censorship of independent news organs. The government-owned Liberian News Agency keeps high standards of accuracy, although it omits reports on some developments at the direction of the Information Ministry.

### b. Freedom of Peaceful Assembly and Association

The ban on political parties was lifted in 1984 and parties have been allowed to hold organizing meetings. However, shortly after the lifting of the ban, the Special Elections Commission announced that parties wishing to register to compete in the elections would have to deposit $50,000 in cash and a $100,000 bond in an escrow account until they satisfied all requirements for registration, including the signatures of 500 registered voters from at least 6 of the 11 counties. This has created a significant obstacle to the registration of opposition parties.

## LIBERIA

There are no official restrictions on civic, religious, social, recreational, or self-help development associations. Union organizing, collective bargaining, and the internal operations of trade unions are largely free from government interference. The Government has in fact allowed union organizing on plantations, forbidden under previous administrations. A national trade union confederation, the Liberian Federation of Labor Unions (LFLU), and several individual independent unions exist. The LFLU is a member of the Brussels-based, democratic-oriented, International Confederation of Free Trade Unions, as well as of the continent-wide, Ghana-based Organization of African Trade Union Unity.

Unions are prohibited from strike action but brief strikes have occurred despite the ban. In most cases, workers have been persuaded to return peacefully to their jobs and the Government has taken no punitive action. In considering the case of an agricultural union suspended in 1982 the International Labor Organization noted that the prohibition against strikes "constitutes in itself a serious violation of trade union rights." The suspension, based on allegations of embezzlement against the union's secretary general, came shortly after illegal strikes which he had allegedly instigated. The suspension was lifted in October 1984 shortly after embezzlement charges were brought against the secretary general and two other officials. In 1983 and again in 1984, the Liberian Government was cited by the ILO for violations of ILO Convention 87, regarding freedom of association (because Liberian legislation does not recognize the right of workers in the public service or in government enterprises to form unions), and Convention 29, regarding forced labor. The Liberian Government has drafted a new labor code, which eliminates the objectionable legislation cited by the ILO, but it has not yet promulgated its new labor code, and thus the legislation for which it was cited by the ILO still remains on the books.

Under the new Constitution and the election laws, unions and business are both prohibited from forming political parties or canvassing for or contributing to political parties. Parties are also prohibited from canvassing for members until they have met the $150,000 pre-registration requirement.

### c. Freedom of Religion

The pre-coup Constitution called for separation of church and state, a concept repeated in the new Constitution for the future civilian government. Christianity, brought by 19th century settlers and spread through the interior by missionaries, has long been the religion of the elite groups. But it has not been an official or state-favored religion. The majority of the rural population continues to practice traditional religions, and approximately 15 percent of the total population is Muslim. Many government officials are Muslims, and Muslims are active throughout the economy, especially in transportation and gold and diamond trading. In late 1983, the Government solicited suggestions for a date of particular significance to Muslims to be declared an annual national holiday.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Neither domestic movement nor foreign travel is restricted. Some travelers have reported harassment and requests for payoffs from security personnel manning internal checkpoints and border crossings or, in rare cases, by government agencies trying to pressure travelers. Exit visas are required for departure and obtaining them may be made more difficult by bribe-seeking officials. Emigration and immigration are not formally restricted. Some naturalized Liberian citizens originally from other African states have had their citizenship revoked on apparently arbitrary grounds.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Liberia's military Government has made substantial progress in instituting a formal mechanism to allow the people to participate in the political process of transition to democratically chosen, constitutional civilian government. The commitment to return Liberia to civilian rule was first made publicly in December 1980 by the Head of State. Since that time it has been repeated many times by the Head of State and other officials, and the legitimacy of the military Government has been linked to that pledge.

The new Constitution, drafted by the National Constitution Commission and reviewed by the Constitutional Advisory Assembly, was approved by the Government. The Special Elections Commission conducted a successful voters' registration, and the voters then approved the Constitution in a referendum which was hailed by many observers as an important milestone in Liberia's history. The new Constitution is scheduled to become effective with the installation of a civilian government in 1986. The ban on politics was lifted in July 1984, and 13 political parties began organizing themselves to participate in the 1985 elections. Although there have been some recent difficulties and delays in the long transition process, e.g., Decree 88A, overall progress has been significant.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

Generally, the Government poses few objections or obstacles to investigations of the human rights situation. However, the Government did not allow observers at the trial in early 1984 of 19 persons charged with conspiracy to overthrow the Government. Several times this year the Government has met expressions of concern or requests for information with the argument that they constitute unwarranted interference with Liberia's domestic affairs. Amnesty International stated in its 1984 report that it did not have sufficient information on the situation in Liberia to include an entry in its report. Freedom House terms Liberia "partly free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The Liberian economy depends heavily on export of iron ore, rubber, and timber, whose production is dominated by foreign corporations. Expatriate communities, primarily Lebanese and Indian, also control an estimated 80 percent of retail and wholesale trade. However, foreigners are not permitted to own real property. Gross national product (GNP) per capita was estimated in 1982 at $492.60, but 50 percent of national income is held by only 5 percent of the population. The current per capita figure is probably significantly lower due to negative GNP growth each year since 1980.

Twenty-three percent of the population (1978) is below the absolute urban poverty level. Health care is poor, especially outside urban areas. Only 20 percent of the population has access to safe water (35 percent in urban areas and 6 percent in rural; 1974). Average calorie supply, however, is 104.81 percent of requirements (1977). Despite a relatively high infant mortality rate of 129.60 per 1,000 (1984) and a life expectancy at birth of only 52.14 years (1984), the population is growing by 3.3 percent per year (1984).

Education for this growing population is a major problem. Only 25.4 percent of adults are literate (42.2 percent of males and 9.3 percent of females; 1980). The primary school enrollment ratio was 80.15 percent (99.09 percent for males and 60.95 percent for females), but many students drop out (only 22 percent of school-age children will finish elementary school and the dropout rate is much higher among women than men). The problems of poor education are exacerbated by the fact that two thirds of the teachers are not professionally qualified and only 70 percent have finished high school.

Liberia was founded by private American "colonization societies," as a territory where blacks could enjoy political, economic, and social freedoms denied them in the United States. Eventually, 20,000 settlers came to Liberia and they and their descendents have remained heavily influenced by American cultural, economic, and political models. In urban areas and along the seacoast where settler dominance was strongest, a modern sector has evolved with a free enterprise economy, substantial political and economic equality for men and women, and Anglo-American judicial procedures based on English common law as transmitted and modified by the American experience. Here, land is plotted, deeded, and held in fee simple, and women can inherit equally. There is no formal discrimination in property ownership, educational opportunity, or participation in economic and political processes. Women in Liberia have held ministerial and ambassadorial positions and are represented in the professions and throughout the modern economy.

In rural areas, where 70 percent of Liberia's estimated 2,160,000 population lives, the inhabitants practice subsistence agriculture and follow a traditional culture in which men's and women's roles are more strictly defined. Here, most land is held communally among the related families of a clan, and women provide most of the labor in food production and distribution, both for household consumption and market sale. As opposed to statutory marriage, seen as a contract between individuals, customary marriage is an agreement between families. With payment of dowry under the customary marriage system, a woman is considered the property of her husband and family. Upon the husband's death, the marital contract continues with the family, which has certain obligations and responsibilities to the widow, or more commonly widows, if they remain with the family as wives to other relatives. In the traditional sector, women are not usually entitled to inherit from their husbands or to administer their estates. In addition, women are informally excluded in many indigenous ethnic groups from chieftancies or membership in the councils of elders that direct the affairs of the community. In practice, especially in newly urban areas, many women use both the customary and statutory legal systems.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: LIBERIA

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 65.5 | 62.8 | 66.0 |
| LOANS.............. | 15.0 | 16.7 | 15.0 |
| GRANTS............. | 50.5 | 46.1 | 51.0 |
| A.AID ................. | 47.0 | 44.8 | 48.0 |
| LOANS.............. | 0.0 | 1.7 | 0.0 |
| GRANTS............. | 47.0 | 43.1 | 48.0 |
| (SEC.SUPP.ASSIST.)... | 35.0 | 32.0 | 35.0 |
| B.FOOD FOR PEACE....... | 15.3 | 15.0 | 15.1 |
| LOANS.............. | 15.0 | 15.0 | 15.0 |
| GRANTS............. | 0.3 | 0.0 | 0.1 |
| TITLE I-TOTAL.......... | 15.0 | 15.0 | 15.0 |
| REPAY. IN $-LOANS..... | 15.0 | 15.0 | 15.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.3 | 0.0 | 0.1 |
| E.RELIEF.EC.DEV & WFP. | 0.3 | 0.0 | 0.1 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 3.2 | 3.0 | 2.9 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 3.2 | 3.0 | 2.9 |
| PEACE CORPS...... | 3.2 | 3.0 | 2.9 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| | | | |
| II.MIL. ASSIST.-TOTAL... | 12.6 | 12.7 | 12.8 |
| LOANS.............. | 7.0 | 6.0 | 0.0 |
| GRANTS............. | 5.6 | 6.7 | 12.8 |
| A.MAP GRANTS.......... | 5.0 | 6.0 | 12.0 |
| B.CREDIT FINANCING.... | 7.0 | 6.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.6 | 0.7 | 0.8 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| | | | |
| III.TOTAL ECON. & MIL... | 78.1 | 75.5 | 78.8 |
| LOANS.............. | 22.0 | 22.7 | 15.0 |
| GRANTS............. | 56.1 | 52.8 | 63.8 |
| OTHER US LOANS.......... | 0.5 | 0.4 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.5 | 0.4 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 57.0 | 15.6 | 97.9 | 411.1 |
| IBRD | 20.0 | 0.0 | 0.0 | 156.0 |
| IFC | 0.0 | 0.0 | 0.2 | 0.7 |
| IDA | 25.5 | 15.3 | 18.1 | 106.9 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 9.1 | 0.0 | 79.6 | 107.0 |
| UNDP | 1.2 | 0.3 | 0.0 | 25.6 |
| OTHER-UN | 1.2 | 0.0 | 0.0 | 7.5 |
| EEC | 0.0 | 0.0 | 0.0 | 7.4 |

## MADAGASCAR

Madagascar is governed by a President and National Popular Assembly elected by direct universal suffrage, and a Supreme Revolutionary Council chosen by both the President and National Assembly. Elections are actively contested within the controlled political framework sanctioned by the Government. This framework permits political activity by the seven parties making up the National Front for the Defense of the Revolution. Although all these parties theoretically share a commitment to a "socialist" state, they have established positions ranging from a relatively moderate, pro-Western stance, to support for pro-Soviet interests. They also compete against each other in local, regional, and national elections.

President Didier Ratsiraka was reelected in 1982 to a second seven-year term. He has broad constitutional powers, and his position is further strengthened by the influential role played by his political party, Arema, which holds an overwhelming majority in the National Assembly and which has a broad base of popular support. Also contributing to the President's power are his close ties to the state security apparatus. In his last election, the President won by a 70-percent majority but lost the vote of some important regional and urban centers. The President's role has evolved in recent years toward one of a power broker among various competing interests. He must contend with opposition not only from other parties in the Front but also, behind the scenes, from elements within the Supreme Revolutionary Council and his own party.

The Supreme Revolutionary Council is an advisory group broadly representative of Madagascar's regional and social structure. The leaders of all seven parties sit on the Council. The Council approves basic policy guidelines, convenes and adjourns the National Assembly, and passes laws when the Assembly is not sitting. Its members have broad patronage power through their control of scholarships and influence on government assignments.

Madagascar's legislative branch, the National Popular Assembly, was last elected to a five-year term in 1983. Four parties won seats, with the President's party, Arema, claiming 117 of 137 deputies. Arema did lose some major districts, including two by-elections in districts whose original vote results were invalidated by the High Constitutional Court. In 1984 the new Assembly has carried on vigorous debate over government policy and critically questioned ministers on government programs.

The Malagasy Constitution adopted in 1975 has made "socialism" the state's political philosophy. This led to nationalization of a major portion of the economy, although the private sector still plays an important role. Currently, the country's economy is in serious straits, with declining production in all sectors, burgeoning foreign debt, and rising unemployment. The problem has been further exacerbated by weak markets for export commodities, an inability to finance imports necessary for industrial production, and by the Government's over-involvement in the marketing mechanisms, especially in the agricultural sector. The Government has made efforts at economic liberalization and reform in return for assistance from the World Bank and the International Monetary Fund.

# MADAGASCAR

Fundamental liberties and individual rights are guaranteed by the Malagasy Constitution. However, several of these rights, including particularly civil rights such as freedom of the press and freedom of assembly, are restricted in practice.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

Since independence there has been only one political assassination. During 1984 there have not been any reports of unnecessary force or of other actions by the security forces which resulted in loss of life.

#### b. Disappearance

During 1984, there were no reported cases of disappearance.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

In 1983, there were allegations of brutality being used by the state security forces in their interrogation of persons arrested. These allegations were addressed by a court during the trial of alleged coup-plotters. In 1984, there have been no major state security trials nor any reports of state security forces using brutal methods of interrogation. Prison conditions are reported to be poor. Overcrowding and inadequate sanitation, health care, and diet are all problems in the prisons, and reflect the generally difficult economic situation which prevails in the country. There is no evidence of systematic or widespread mistreatment of prisoners.

#### d. Arbitrary Arrest, Detention, or Exile

There is no concept of habeas corpus in the Malagasy legal system. In a normal criminal case the accused must be charged within three days or must be released. However, persons suspected of activity against the state may be legally detained incommunicado for 15 days, subject to indefinite extension if considered necessary by the Government. Defendants are generally charged formally and clearly within the specified time frame and upon being charged are entitled to the assistance of counsel. Counsel is readily available and, if a defendant does not already have a court-appointed attorney or cannot afford one, court-appointed counsel will be provided. Arbitrary arrest or detention occurs, however, in those cases which involve an alleged threat to the state. In such cases, the authorities may not bother with legal formalities in making an arrest. Some defendants in cases involving alleged coup-plotting were detained without being brought to trial for periods ranging from one year and eight months to over five years. Extended periods of pre-trial detention are the exception, not the rule, and are usually limited to cases considered genuine threats to the Government.

#### e. Denial of Fair Public Trial

Under the Malagasy Constitution and in practice, the country's judiciary is independent of the Government. During the 1983 election period, there were a number of judicial decisions against the Government, some of which involved charges of election fraud. The courts also acquitted several individuals charged with plotting a coup. Although other defendants were eventually found guilty, the trial was fairly conducted, the defendants were represented by counsel, and the proceedings were followed by the public and the media. Judicial procedures are open and impartial.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The state does not generally intervene in the non-political aspects of the lives of the people. The home is inviolable under Malagasy law, and intrusions into an individual's residence must be made under the authority of a warrant. Although government economic policies limit the choices open to an individual, the Malagasy may make their own decisions, without government coercion or interference, in such matters as changing jobs or residence, marriage, having children, or joining or declining to join political parties or social organizations.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The media in Madagascar are subject to government censorship. The Government provides guidelines on prohibited topics, but these are not always explicit nor are they rigorously enforced. When enforced, the newspapers generally leave blank those columns where the deleted material would have appeared. In general, the censorship policies are designed to forestall media criticism of the President and top government officials and their actions. In one instance in 1984, a newspaper reporting on a downtown riot was withheld from distribution. Government control is further strengthened by state ownership of the radio, television stations, and news publications. There are, however, independent, privately owned newspapers as well, which can criticize within the above-mentioned guidelines what they perceive as the failings of the Government. Critical examination of a range of policy issues such as economic management, transportation, and education can be found in the media. Although direct attacks on the President are not permitted, criticisms of presidential policies and decisions are published. Individual citizens are free to voice their dissatisfaction with the Government without fear of arrest or harassment by the authorities. Although distribution of uncensored publications is officially prohibited, no instance is known in which action has been taken against them.

### b. Freedom of Peaceful Assembly and Association

The right of assembly and association is restricted in Madagascar. Permits are required to hold public meetings and can be denied by the Government if officials believe that the meeting poses a threat to the state or endangers national unity. Persons and groups belonging to one of the parties in the National Front are permitted to organize and assemble. Two of these parties held national conferences in the capital city in 1984 and in speeches and resolutions roundly criticized the Government. Nevertheless, since political activity by groups outside the National Front is prohibited, dissenting political opinion is limited. Although the right to organize labor unions is recognized, unions do not play a major role either politically or economically. The labor force of 4.5 million is mostly agrarian, and union labor accounts for less than 5 percent of the total. Unions are permitted to strike and conduct substantive wage negotiations, but because of the depressed economy strikes have been few, and the trade unions have been relatively quiescent. Most unions are affiliated with the National Front parties.

### c. Freedom of Religion

The Government of Madagascar is secular and there is no official religion. There is no discrimination on the basis of religious affiliation, and individuals are free to follow the faith of their choice. Missionaries and clergy are generally permitted to operate freely, and the Government has so far made no effort to restrain Christian churches which have become more outspoken in their criticism of government policies. Over half of the population is either Catholic or Protestant, with the remainder following traditional Malagasy religious beliefs or other faiths.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government has imposed no restrictions upon travel within the country. Official approval must be obtained for trips outside the country, but there has been only one known instance in the past in which approval was denied due to the individual's political views. Foreign travel is impeded by the difficulty in obtaining foreign currency, as the Malagasy franc is not convertible abroad, and the Government limits the amount of hard currency that can be obtained for foreign travel. There is no refugee population in Madagascar.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The electorate's choice is constrained by the nature of the political system, since the only political parties allowed to operate in Madagascar are those which are members of the National Front. However, there exists a range of ideological and policy views among the Front parties, and within this spectrum there are viewpoints represented that are at odds with the policies of the administration. Thus, the electoral process does give the voters a chance to choose among candidates expressing differing views in local and regional elections and in the National Assembly and presidential campaigns. The electoral process, although not completely free from irregularities, has been essentially straightforward in recent elections. The political system in Madagascar also reflects a considerable degree of regional balance. There are no special conditions of nationality or citizenship which exclude any elements in society from participating in the existing political process.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Government has not cooperated with groups wishing to investigate alleged human rights violations. There are no official representatives of human rights organizations in Madagascar. In 1981, Amnesty International representatives were denied visas. When the President's opponent in the election campaign called for supervision of the elections by Amnesty International in 1982, the President rejected this proposal as being in derogation of national sovereignty.

In the absence of private human rights groups, the Christian churches in the country have taken the lead in advocating human rights. Although the Government is sensitive to criticism emanating from this quarter, it has not officially responded to questions or criticisms from the churches or any other groups.

Amnesty International reported that at least 20 prisoners of conscience or individuals whose cases were being investigated by Amnesty International were released during 1983, mostly as a result of court decisions. As of the end of 1983, Amnesty International knew of only one untried political detainee. Freedom House rates Madagascar "partly free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Madagascar's economic situation, which had steadily deteriorated since 1978, seems to have stabilized; but the outlook for improvement in the immediate future is dim. The Government has actively undertaken many reforms in conjunction with World Bank and International Monetary Fund assistance and is working closely with Western nations who continue to provide development assistance.

The gross national product (GNP), which had fallen each year from 1972 to 1982, increased slightly in 1983 with per capita GNP at $330. The population of 9.5 million continues to grow at a rate of 2.8 percent annually. Unemployment is becoming an increasingly serious problem, exacerbated by the migration of the rural poor into urban areas.

The agricultural sector is the most important in the economy, accounting for almost 90 percent of employment and approximately 85 percent of export earnings. However, agricultural production has declined to the point where Madagascar has been forced to import rice, the staple of the Malagasy diet. Much of this decline is attributable to government marketing policies which subsidize consumer costs and control producer prices. Recent liberalizations in the marketing system have ameliorated this situation, and agricultural production has increased slightly in 1984.

Despite problems with agricultural production, individual levels of caloric intake are at 110 percent of requirements (1977 statistic). Nevertheless, malnutrition and dietary deficiencies are ongoing problems due to erratic distribution of fresh fruit, vegetables, dairy products, and meat. Further, only one-fourth of the population has access to safe drinking water (1975 statistic).

Health care delivery systems are plagued with shortages of medical personnel, inadequate facilities, and limited supplies of antibiotics and other medicines. Malaria remains a continuing problem, especially in coastal areas, and the population is quite vulnerable to outbreaks of disease following natural disasters such as flooding. Life expectancy at birth was 49 years in 1984, and the infant mortality rate was 101.1 per 1,000 in 1983.

## MADAGASCAR

World Bank 1980 figures for the primary school enrollment ratio show 90 percent for females and 98 percent for males. Recent dramatic increases in enrollment have resulted in overburdened facilities, shortages of qualified teachers, and extremely high student-teacher ratios in the public school system. The situation is unlikely to improve in the near future, and few families can afford the private or parochial schools.

There is little overt discrimination against individuals on the basis of ethnic grouping or sex in Madagascar. Although there are numerous indigenous ethnic groups in Madagascar, the society is relatively homogenous due to a common language and a tendency for what were perhaps once disparate cultures to draw together in an island environment. There are still distinctions among these groups, but there is little discrimination by one group against another. Ethnic Indian, Chinese, and French communities have experienced some resentment from the Malagasy and occasionally have been the target of local government policies favoring Malagasy nationals.

Madagascar has what is essentially a matriarchal society, and a highly visible role for women has been a long-recognized and integral part of the country's sociological framework. There are no restrictions concerning activities in which women may engage. Women have a lengthy tradition of involvement in high-level political activity, and currently there are women members of the Cabinet, Supreme Revolutionary Council, and the National Assembly. Women are also very active and play major roles in the various political parties. Women have a prominent role in the business and economic life of the country, with many of them managing or owning business concerns or filling management positions in state industries. Education at all levels is open to women. However, women in rural areas and among the poor face a greater degree of hardship. In addition to the responsibilities associated with child rearing and household management, economic necessity forces these women to engage in farm labor or other similar activities. These conditions stem more from socioeconomic factors than from a discriminatory bias toward women in Malagasy society.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: MADAGASCAR

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 12.1 | 9.0 | 13.8 |
| LOANS.............. | 4.8 | 8.0 | 8.0 |
| GRANTS............. | 7.3 | 1.0 | 5.8 |
| A.AID .................. | 0.4 | 0.0 | 0.6 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.4 | 0.0 | 0.6 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 11.7 | 9.0 | 13.2 |
| LOANS.............. | 4.8 | 8.0 | 8.0 |
| GRANTS............. | 6.9 | 1.0 | 5.2 |
| TITLE I-TOTAL.......... | 4.8 | 8.0 | 8.0 |
| REPAY. IN $-LOANS..... | 4.8 | 8.0 | 8.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 6.9 | 1.0 | 5.2 |
| E.RELIEF.EC.DEV & WFP. | 6.0 | 0.0 | 3.9 |
| VOL.RELIEF AGENCY..... | 0.9 | 1.0 | 1.3 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.1 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.1 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.1 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 12.1 | 9.0 | 13.9 |
| LOANS.............. | 4.8 | 8.0 | 8.0 |
| GRANTS............. | 7.3 | 1.0 | 5.9 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 47.1 | 86.9 | 106.9 | 856.4 |
| IBRD | 0.0 | 0.0 | 0.0 | 32.6 |
| IFC | 0.0 | 7.4 | 0.0 | 20.0 |
| IDA | 20.7 | 74.5 | 30.6 | 426.3 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 22.2 | 0.0 | 76.3 | 124.1 |
| UNDP | 4.2 | 5.0 | 0.0 | 50.0 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 10.5 |
| EEC | 0.0 | 0.0 | 0.0 | 192.9 |

## MALAWI

The Government of Malawi is a one-man autocracy in which Life President Dr. H. Kamuzu Banda has held virtually unchallenged power, based on a philosophy combining nationalism and traditionalism, since independence in 1964. The President has maintained nearly undisputed control over political life and government and heads the sole political party, the Malawi Congress Party. Opposition to the Government is banned, and challenges to the system are suppressed. Total loyalty, not merely passive acceptance of party and government policy, is demanded under penalty of suspicion, if not detention by the authorities. Civil liberties exist at the sufferance of the authorities and are highly circumscribed. Political activity is limited to participation in the sole legal party and to conforming with its views and practices.

Malawi inherited a parliamentary form of government from Great Britain. Elections are held every five years but all candidates must be members of the Malawi Congress Party and hold views consistent with the prevailing political philosophy of the President, whom the party proclaimed "Life President" in 1970. Constitutional amendments and laws passed by the 101-member parliament, in effect, reflect decisions already taken by the President.

Military, police, and party security organs form a pervasive network throughout the land, assure the security of government, and are largely responsible for the human rights violations which do occur.

Malawi pursues a basically market-oriented economic philosophy, with substantial government involvement in the form of interventions through government-controlled enterprises. Individuals are relatively free to operate private businesses, hold property, and travel. A limited resource base has resulted in a low level of economic development and consequent de facto restraints on economic opportunities for most citizens.

In June 1984, the President commuted the death sentences of Malawi dissident leader and former Minister of Justice Orton Chirwa and his wife to life imprisonment. The Chirwas had been convicted of treason in May 1983 and the mandatory death penalty was upheld on appeal in February 1984. Their son Fumbani, who had been taken into custody with his parents in December 1981, was released from detention in February 1984 and allowed to leave the country. These cases had commanded international attention and clemency appeals, including appeals from Amnesty International.

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

There have been no allegations of politically-motivated killings within the country during 1984.

#### b. Disappearance

Surreptitious detentions by the police, acting at the behest of the party, are not unknown. Lasting from a few weeks to several months, such disappearances usually occur in the name of either national security or party discipline.

There are no known instances in which such detentions have led to death.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Beatings by the police at the time of detention or arrest, or during interrogation are not officially condoned, but do occur. Persons convicted of violations of the law are sentenced to prison terms of varying lengths or are executed for capital offenses by hanging. An unknown number of political prisoners is said to be under a loose form of detention such as house arrest. Less severe and dangerous offenders frequently are sent to prison farms. Prison terms with hard labor are the norm for common criminals, with political detainees normally receiving less harsh or degrading treatment. Prison conditions are generally poor. In 1983, there were credible reports that prisoners considered to be incorrigible criminals received inhumane treatment, such as severely reduced food rations, lack of medical care, absence of sanitary facilities, and extended periods of confinement in shackles. Such treatment has caused general deterioration of the prisoners' health and, it is believed, some deaths.

There exists in Malawi a form of unusual punishment called forfeiture. The Forfeiture Act permits the Government to revoke the property rights of those suspected of economic crimes without recourse to appeal. It is an executive fiat with no judicial review. When the Forfeiture Act is invoked, the individual loses all his worldly possessions, including business, financial holdings, and personal possessions. Invocation of the Act against an individual does not extend to the family.

### d. Arbitrary Arrest, Detention, or Exile

At any given time there may be numerous detainees held without charge who have been arrested arbitrarily for real or perceived offenses against the party or Government. A Malawi resident (including Africans and those of Asian extraction) may be picked up almost at the whim of the authorities, held for varying lengths of time, beaten, and released after several weeks or months. The usual cause for such treatment is suspected disloyalty to the President or expression of views which differ even slightly from the accepted norm. Rarely are those so detained charged officially and brought before either traditional or modern courts. A suspect, however, may be held without charge for a long period of time while authorities develop a case. It is impossible to estimate the number of arbitrary detentions and arrests made in Malawi in 1984.

### e. Denial of Fair Public Trial

Those charged with criminal offenses are tried in either the traditional or modern court system, depending on the nature of the charge. Those charged under the military codes of justice are tried in military courts. Lawyers usually are not permitted to assist the defendant in traditional court cases, but legal counsel is permitted in the modern court system. In the latter case, the defendant has the right of access to counsel before and during the judicial proceeding. Government and party exert little control over the trial system in cases tried before the High Court or magistrate courts; hence, the modern judiciary is almost totally independent of the executive branch, other than the fact that the President appoints the Chief Justice of the High Court who, in turn, appoints other modern court justices. These courts are open to the public, and defendants are charged publicly. Traditional court justices are appointed directly by the President. It is generally believed that there is little executive interference in traditional court cases dealing in matters of customary law, and there is no evidence of indirect executive pressure on traditional courts adjudicating cases of a political nature. Although the decision is that of the Director of Public Prosecution or the Attorney General, the recent trend indicates that political cases are likely to be tried before a traditional court. There is a right to appeal in both the modern and traditional court systems.

On May 6, 1983, a traditional court found former Minister of Justice and captured leader of the banned Malawi Freedom Movement, Orton Chirwa, and his wife Vera guilty of treason for conspiring to overthrow the Malawi Government. In February 1984, the National Traditional Court of Appeals upheld the verdicts, which carried mandatory death sentences. Subsequently, in June 1984, the President commuted the death sentences to life imprisonment. The Chirwa case has generated considerable attention in the United States and other countries, with many charging that the Chirwas had not received a fair trial.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

In private life, the average citizen or alien resident is not unduly affected by government authority. Malawi law calls for the issuance of individual warrants before entry of the home, but this is not always observed in practice. Police and paramilitary groups enter houses of suspects at will under special entry authority to conduct searches for people or incriminating evidence. Other violations of the home generally do not occur. Membership in the only political party is not mandatory but is expected of those who aspire to government/party positions or even professional success. Access to government services, and even to some non-government services, such as a local market, is frequently based upon party membership. There is both official and self-censorship. Correspondence is monitored (mail is opened and read) by the authorities and those violating prescribed norms are punished.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Criticism of the Government and its policies is not tolerated. This proscription extends even to the Parliament, where the expression of total loyalty to the President and his Government is both expected and enforced under threat of expulsion or worse. All media are under direct or indirect government control. The two newspapers and sole radio station disseminate news directly authorized by the government information agency and operate under informal self-censorship guidelines. Recently both media have exhibited increasing candor in coverage of international issues. In practice, the principal focus of government censorship is on material deemed critical of the Government. Freedom of inquiry into the natural and social sciences exists at the university level, and includes examination of political ideologies at radical variance with those of the Government, provided this does not extend to explicit criticism of the Government.

### b. Freedom of Peaceful Assembly and Association

Individuals and organizations generally are free to meet and associate as long as the purpose is not to protest against government or party policy or practices. Professional, fraternal, and service organizations exist and are encouraged by the Government. No political meetings are permitted other than those of the party. Labor unions exist, but their activities are highly circumscribed and they are generally ineffective. Strikes are not legally prohibited but rarely occur, and when they do they are not publicized. Labor unions fall under the umbrella of the Malawi Trade Union Congress, which in turn is subject to direction by the Ministry of Labor. With government permission and supervision, the trade union organization associates with international organizations, and the Malawi Trades Union Congress is a member of both the Organization of African Trade Union Unity and of the International Confederation of Free Trade Unions. While the labor movement has yet to achieve major gains for its constituents, the principal explanation is economic rather than political: the economy of Malawi can sustain only a small number of wage earners, most of whom occupy positions as unskilled laborers on large estate farms.

### c. Freedom of Religion

There is relative freedom of religion in Malawi (for all but Jehovah's Witnesses) as long as particular religious tenets do not preclude recognition of the temporal authority of the state. The Watch Tower Sect is banned; the Government considers the Sect's activities to be disruptive of "the prevailing calm, law, and order." There is no state or preferred religion, and conversion from one religion to another is permitted. There are no restrictions on religious observances and ceremonies which do not impinge on government authority. Religious groups may establish places of worship and train clergy. There is no licensing of religious groups, but their publications, like all others, are subject to government censorship. Religious groups are free to establish and maintain links with coreligionists in other countries, and religious travel may be undertaken. Similarly, missionaries from abroad are permitted to enter Malawi and proselytize. There is no tie between a particular religion and the Malawi Congress Party.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Few restrictions have been observed on movement within Malawi, but denial of passports to some on political grounds frequently extends to family members of persons in political disfavor and to those persons whom the Government suspects may prove embarrassing to it when traveling abroad. Legal provisions exist for restricting the movement of those convicted of political or criminal offenses. Formal emigration is neither restricted nor encouraged. With the exception of a small group of political dissidents, there is no outward flow of Malawian refugees from the country. Expatriates born in Malawi may return. Citizenship may be revoked but in practice this is not done. Malawi does not accord official refugee status, but has treated de facto refugees from neighboring countries generously, and has pursued a policy of persuading rather than coercing such refugees to return to their own lands. Asian residents and citizens are free to travel within the country, but must reside and work in one of three urban areas (Lilongwe, Zomba and Blantyre/Limbe). Within some of these urban centers, strict rules governing where Asians may own property result in limitations on where they may reside. Asian residents, whether Malawian citizens or not, have been compelled to transfer ownership of rural shops and trucking businesses to ethnic African Malawian citizens. Asians are free to expand into other areas of business, however, and industrial licenses for new Asian industries are routinely granted.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Malawi is ruled by one man, the Life President, through the apparatus of the sole political party and government, which are closely linked. Decisions are taken either directly by the President or those few closely associated with him. No opposition political parties or movements are permitted. One must be a party member to participate in the political life of the nation, to be a member of Parliament, or to be a civil servant. Nearly half of the population has at least nominal party membership, but active party membership is obligatory if one aspires to higher levels of leadership. This prescription does not apply to the military per se, but adherence to party policy and directives is expected of all. The party's pervasiveness and broad based structure provide for some choice among candidates for party, parliamentary, and other offices. For example, as was the case in the 1983 election, there are often three candidates for election to a parliamentary constituency, but all nominees are selected by the party and submitted to the President for vetting. Active campaigning is not permitted. The National Assembly (Parliament) consists of both elected and nominated members and is mainly concerned with ratifying government policy. Its powers are broadly based in law but highly circumscribed in practice.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Government does not permit organizations such as the International Committee of the Red Cross and Amnesty International to conduct investigations. No non-governmental organizations devoted to the furtherance of human rights are permitted to exist. Expressions of interest in alleged human rights problems by outside groups or individuals are not welcomed and usually are ignored. Few in government are even willing to discuss the subject of human rights. In its 1984 Report Amnesty International continued to express concern about the use of detention without trial and the lack of effective safeguards against ill-treatment of political detainees. Freedom House considers Malawi "not free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Malawi is a small, densely-populated, landlocked country, whose principal assets are moderately fertile soils, good water resources, and a climate favorable to crop production. Possessing no significant mineral resources, Malawi has pursued a successful export-oriented agricultural growth strategy since independence. The estate sector produces tea, tobacco, and sugar for export, while smallholders cultivate maize and to a lesser extent, tobacco, cotton, and vegetables. In recent years the country has been self-sufficient in food production and has exported surplus maize to its neighbors.

Malawi's small manufacturing sector is devoted principally to the processing of agricultural products; in addition, there are a few small import-substitution projects. Over 90 percent of the workforce is still engaged in subsistence agriculture. Wage levels are low, reflecting the abundance of unskilled labor, and the Government's desire to limit the rural-urban income gap and hence the rate of internal migration.

Malawi achieved an impressive record of economic growth from independence in 1964 through 1979: real GDP grew at an average rate of 5.5 percent per annum over this period. Since the mid-seventies, however, the country has experienced mounting balance of payments problems and an interruption in economic growth, due to such factors as escalation in import prices of fuel and capital goods; cyclical swings in the prices of agricultural exports--tea, tobacco, and sugar; and interruptions and resulting higher costs of transport in traditional rail routes to the Indian Ocean. With assistance from the International Monetary Fund and the World Bank, the Government has embarked on an ambitious structural adjustment program, including currency devaluation and agricultural pricing reform, aimed at restoring economic growth and achieving a sustainable balance of payments position.

Despite the strides made since independence, Malawi remains one of the world's least developed countries. Per capita GNP in 1982 measured only $213, reflecting the absence of any appreciable mineral or manufacturing base in the economy. Primary school enrollment has climbed dramatically since independence, with the 1980 enrollment ratio of school-age children estimated at 83 percent (male 95 percent, female 70 percent), and the adult literacy rate is estimated to be 25 percent. Health indicators likewise testify to the limited resources available for this sector: life expectancy at birth is 45 years and the infant mortality rate is 129 per 1000 live births; about 29 percent of the rural population and 70 percent of the urban population have access to safe water supplies (1976). Calorie supply is about 95 percent of requirements (1977).

Malawi's current population of 6.8 million people is growing at an estimated annual rate of 3.3 percent. With nearly all of Malawi's arable land already under cultivation, substantial increases in yields will be necessary to feed the ever-growing population.

As mothers, women have enjoyed a high degree of access to the traditional health services and to extension programs geared toward improving women's homemaking abilities. Such programs, while beneficial, have failed to recognize the important role women play as agricultural producers in the rural sector (roughly 70 percent of all smallholder farming and over 50 percent of subsistence holdings are headed by women) and the potential role women can have in the modern sector. Although males still have a comparative advantage in terms of educational and employment opportunities, the Government has initiated sufficiently broad-scale programs to begin to rectify the discrimination which exists. A third of the positions in the public education system have been reserved for women.

Women are entitled to party membership and voting rights, and hold 13 of 101 elected seats in Parliament. No women hold ministerial-level appointments. Within Malawi's traditional and primarily matrilineal tribal leadership structures, there are several small ethnic groups wherein women possess fewer rights and privileges and where female circumcision occasionally is practiced.

Malawi enjoys a considerable degree of ethnolinguistic uniformity. Ethnic and regional differences exist but have not been a disruptive element within the society. The vast majority of the population speaks and/or understands Chichewa, which became the national language in 1968. However, English is the official language for government and business. Malawi's indigenous groups are sufficiently alike in culture and social organization to permit relatively easy interaction, including intermarriage, mixing in agricultural settlements, and mixed grouping for political purposes.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: MALAWI

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 8.7 | 8.1 | 9.6 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 8.7 | 8.1 | 9.6 |
| A.AID ................. | 7.7 | 7.1 | 7.6 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 7.7 | 7.1 | 7.6 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 0.1 | 0.2 | 1.2 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.1 | 0.2 | 1.2 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.1 | 0.2 | 1.2 |
| E.RELIEF.EC.DEV & WFP. | 0.1 | 0.2 | 1.2 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.9 | 0.8 | 0.8 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.9 | 0.8 | 0.8 |
| PEACE CORPS...... | 0.9 | 0.8 | 0.8 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER........... | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.1 | 0.2 | 0.2 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.1 | 0.2 | 0.2 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.1 | 0.2 | 0.2 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 8.8 | 8.3 | 9.8 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 8.8 | 8.3 | 9.8 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 29.2 | 58.3 | 142.8 | 718.8 |
| IBRD | 0.0 | 0.0 | 18.0 | 93.2 |
| IFC | 5.5 | 0.0 | 0.0 | 26.0 |
| IDA | 11.3 | 56.4 | 83.4 | 408.3 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 8.6 | 0.6 | 35.7 | 121.7 |
| UNDP | 3.8 | 1.3 | 0.0 | 41.1 |
| OTHER-UN | 0.0 | 0.0 | 5.7 | 14.0 |
| EEC | 0.0 | 0.0 | 0.0 | 14.5 |

## MALI

Following its independence from France in 1960, Mali was ruled in succession by a pro-Marxist regime and a military government. Since 1979, Mali's civilian political leaders, under President Moussa Traore, have reduced the direct role of the military in government and increased the role of the sole political party, the Democratic Union of the Malian People, in governing the country. Military officers currently hold about a quarter of the senior positions in the Cabinet and the party, four of seven governorships, and a portion of the lower level administrative posts, mostly in border areas. Most of the senior central government officials are technocrats or regional political leaders.

The President, in consultation with his Cabinet and the party's Central Committee, makes all of Mali's important decisions although the Government also includes an elected National Assembly, which has little power.

In addition to the military, the security apparatus includes the gendarmes, the presidential guard, the state security unit, and the police which exert considerable, but generally low-key influence. While civil rights are officially guaranteed in Mali, avenues of recourse tend to be more effective through personal rather than official channels.

Mali in 1984 was characterized by civil calm, despite a potentially sensitive situation during a currency changeover and continued lack of wage increases. The political and human rights situation did not change significantly over the past year. The Government permits limited criticism of its economic reform policies, though always in the context of official party or union meetings. The Government remains sensitive to any criticism of its human rights record.

The World Bank ranks Mali as one of the world's poorest countries. Landlocked and lacking easily exploitable mineral resources, Mali's economy has been based on farming and animal husbandry, both of which have been severely affected in recent years by drought.

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

There were no reported incidents of politically motivated killing during 1984 in Mali.

#### b. Disappearance

There were no reported incidents of disappearance, abduction, or hostage-taking during 1984 in Mali.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Government of Mali does not condone police brutality, but physical abuse of suspects has been used in police interrogation. Torture rarely occurs and never as a form of punishment. Public beatings by the citizenry of persons identified as thieves are known to occur, though not regularly.

When present, police will take such persons into custody rather than leave them to impromptu "public justice." Prisons in Mali are not cruel or inhuman by design, but lack of resources creates poor physical and health conditions. Amnesty International has expressed concern over conditions in the maximum security prisons in the harsh northern desert. Some prisoners are put on work crews and face long hours of hard manual labor in the heat of the day. Occasional deaths are attributed to such harsh conditions.

### d. Arbitrary Arrest, Detention, or Exile

There were no reports of arbitrary arrests or exile during 1984 in Mali. The Malian judicial system is based on the French model, and the principle of habeas corpus does not exist. Bail is not available, but prisoners are sometimes released on their own recognizance. Prisoners are usually allowed access to a lawyer of their choosing. Administrative backlogs often cause delays in bringing people to trial. Former government officials have on occasion been held without trial until they have repaid embezzled funds.

### e. Denial of Fair Public Trial

Trials are generally short in duration. The defense lawyer will tend to argue mitigating circumstances as the prisoner has usually admitted guilt. The verdict and sentence are rendered by a panel of three judges. The appeals process is limited to presidential pardon or call for a new trial. The judiciary is part of the executive branch and therefore potentially subject to interference. However, the court process is more likely to be subverted by private, influential means than by government interference. A special court of state security hears cases on diversion or embezzlement of government funds and operates as the criminal courts do. This court held several trials in 1984. Finally, the National Assembly can convene the high court of justice to hear cases against the state ministers. This court did not meet during 1984.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Mali's Constitution guarantees the inviolability of the home. Searches are infrequent and warrants are issued and recorded, albeit sometimes after the fact.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Freedom of speech or of the press is not guaranteed by the Malian Constitution, and is in fact limited. The state controls all Malian media and does not permit criticism of its authority. However, criticism of specific programs, aspects of society, or the performance of government offices (rarely individuals) is allowed limited expression.

Journalists, who are all government employees, have been suspended or fired due to "impertinent" questioning, but in general have not been subjected to harsh reprisals. Private publications of unauthorized information or opinions are not tolerated, but international publications, even those critical of Mali or its Government, are readily available and circulate freely.

### b Freedom of Peaceful Assembly and Association

The Malian Constitution guarantees the liberty of citizens to form organizations to protect their "professional interests," but in reality only selected organizations qualify for this freedom. Other than urban professional associations, the only groups which assemble freely are the women's, youth, and labor associations of Mali's single political party. Government refusal to authorize an independent student union led in part to student protests in 1981. Despite party affiliation, Mali's national labor union does maintain a degree of autonomy from the Government, even to the point of criticizing government wage practices and layoffs of workers. Strikes are permitted. Social and religious gatherings or large groups require permits which are routinely granted.

### c. Freedom of Religion

Mali is a secular state, and the Government generally holds to a policy of not discriminating on religious grounds. Ninety percent of Malians are Muslim, but most other religions are practiced freely and permitted to establish houses of worship and schools. Christian missionaries of various faiths enjoy government cooperation and are free to proselytize. Religious conversion is permitted. However, the Bahai are forbidden to proselytize or establish houses of worship, although they are free to practice their faith otherwise.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement in Mali is generally unimpeded, although travelers are sometimes subject to police checks, especially at night. These are allowed by law, ostensibly to restrict the movement of stolen or contraband goods. In practice, some underpaid police and gendarmes are known to supplement their usually delayed salaries by assessing fines or confiscating goods. Malians are free to change residence or workplace. Foreign travel requires an exit visa. Emigration is viewed as a relief for poor economic conditions, and repatriation is not restricted. Africans from neighboring countries are generally allowed to reside in Mali and to seek employment.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The only legal political party, the Democratic Union of the Malian People, is the supreme political entity in Mali. The Government is highly centralized and important policies and decisions are made among a small group--the President, the 19-member Central Executive Bureau (which includes representatives from all major political and regional groups in Mali), and the Council of Ministers. In these circumstances, there is no opportunity for citizens to change their government or have influence outside the centralized structure. Both the party and the Government have representative bodies composed of delegates elected country-wide every three years (the last local elections concluded in September 1984), but these groups meet only twice a year in regular session. Party elections at the local level are often contested with multiple candidates, while National

Assembly elections usually have a single candidate selected by the party for each seat. The National Assembly debates proposed legislation only after acceptance by the Council of Ministers and review by the Supreme Court.

The role of the military has decreased in recent years but is still important. Five of the 19 Executive Bureau members, 5 of the 17 cabinet ministries, 4 of the 7 regional governorships, and numerous lower level positions are currently held by military officers.

While women are free to participate in the Malian political process and are present at all levels of Government and the party, they continue to be underrepresented. Many women are actively involved in governmental and party life at the local level. A limited number of women occupy positions of responsibility in most ministries. There is one woman in the cabinet (Minister of Information), one in the Executive Bureau (President of the women's union), and two representatives in the National Assembly. The National Union of Malian Women is an active political organization under party auspices and a channel through which women can voice their concerns.

While the Government avoids reference to ethnic "quotas," in practice, virtually all ethnic groups are represented at the highest state and party levels. In local government, it is the Government's practice to assign officials to serve outside their native regions. Although some nomadic groups prefer to remain outside the economic and political mainstream, Mali remains virtually free of ethnic tension.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Government of Mali in the past has been generally responsive to calls by recognized groups such as Amnesty International in regard to reported human rights violations. However, according to Amnesty International's 1984 Report (for 1983), Mali did not respond to its appeal of October 1983 expressing concern about alleged cruel, inhuman, and degrading treatment of political and other prisoners at two remote desert prisons. Mali itself has no known local human rights organizations. Human rights issues are handled officially by the Ministries of Foreign Affairs and Justice. Mali does not play a major role in international human rights forums and has not been the focus of scrutiny in these meetings. Mali is a signatory to the U.N. Convenants on Civil and Political Rights and on Economic, Social and Cultural Rights, and the African Charter on Human and People's Rights. Freedom House terms Mali "not free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Mali is ranked as one of the poorest countries in the world. Real per capita GNP ($177 in 1982) has stagnated. Mali's resources in no way match the country's needs. The country is caught between the recognition that true development may be slow and long-term and the immediate needs of a population which has little or no resources, due in part to the vagaries of nature and government policies. Economic opportunities and emergency food aid resources appear to be distributed on a non-discriminatory basis, but Malians living closer to or in urban centers or who work for the government generally have greater access to government services and resources. The same is true of education and health care, the latter of which is poor even in the capital.

Mali's population is 7,562,000 people and growing at a rate of 2.3 percent annually. Malians born in 1984 can expect to live an average of 45 years. While life expectancy has increased, deteriorating health conditions due to the severe drought during the past 3 years, have also led to a rise of infant mortality from 168.4 per thousand in 1983 to 174.3 per thousand in 1984. Caloric intake has been dropping rather than rising. Only a relatively small percentage of the population (9 percent) has access to safe water, although the percentage is higher for urban dwellers (42 percent) than for rural dwellers (3 percent). Education is free to all but only 9 percent of the population is literate. Of the 27 percent of the children who do attend school, approximately 40 percent are female and 60 percent male.

The role of women is negatively affected in Mali more by social, cultural, and general poverty factors than by political or economic determinants. Custom often restricts women to "women's issues" when they do participate in politics. The women's union promotes health and education issues and has disseminated information on the disadvantages of female circumcision, but the practice is still widely followed, without government sanction, throughout Mali.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
## (U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: MALI

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 11.9 | 15.4 | 24.3 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 11.9 | 15.4 | 24.3 |
| A.AID ................. | 9.6 | 9.9 | 11.6 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 9.6 | 9.9 | 11.6 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 0.8 | 4.3 | 11.1 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.8 | 4.3 | 11.1 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.8 | 4.3 | 11.1 |
| E.RELIEF.EC.DEV & WFP. | 0.8 | 4.3 | 10.3 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.8 |
| C.OTHER ECON. ASSIST... | 1.5 | 1.2 | 1.6 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 1.5 | 1.2 | 1.6 |
| PEACE CORPS...... | 1.5 | 1.2 | 1.6 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.1 | 0.1 | 0.1 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.1 | 0.1 | 0.1 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.1 | 0.1 | 0.1 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 12.0 | 15.5 | 24.4 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 12.0 | 15.5 | 24.4 |

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 62.0 | 42.9 | 92.1 | 642.2 |
| IBRD | 0.0 | 0.0 | 0.0 | 0.0 |
| IFC | 2.6 | 0.0 | 0.0 | 3.2 |
| IDA | 20.0 | 34.4 | 70.6 | 328.9 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 25.6 | 1.4 | 21.5 | 108.1 |
| UNDP | 5.0 | 7.1 | 0.0 | 56.9 |
| OTHER-UN | 8.8 | 0.0 | 0.0 | 19.0 |
| EEC | 0.0 | 0.0 | 0.0 | 126.1 |

# MAURITANIA

Mauritania is governed by the Military Committee for National Salvation, established in the wake of a bloodless 1978 coup which removed the civilian President, abolished the parliamentary system established at independence in 1960, and placed the administrative apparatus under military control. Colonel Maaouyia Sidi Ahmed Ould Taya, in his role as President of the Committee, is Chief of State. He assumed power after the peaceful ouster of the former President, Lt. Col. Mohamed Khouna Ould Haidalla, on December 12, 1984. All 20 members of the Military Committee retain ministerial portfolios or occupy other key government posts. Most decisions are reached by consensus, ratified at weekly plenary sessions, and promulgated by decree in the name of the Committee. Prospects for an early return to civilian rule appear remote; the military remains the "custodian of the nation's sovereignty."

The country faces daunting problems: drought, the Western Sahara conflict, racial tensions, slavery (officially abolished in 1980), and the 1980 Islamic legal code (Shari'a). The recent intensification of the 15-year drought has largely destroyed agricultural resources and the nomadic culture of the Maurs. The gradual disappearance of traditional cultural and religious centers has generated a sense of crisis, and the explosive growth of the refugee camps threatens the viability of the state. The development of social and legal institutions in Mauritania, and indeed the country's hope for the future, are hostage to this ecological and demographic calamity.

In early 1984, public disturbances related to a controversial decision to recognize the Saharan Democratic Arab Republic led to confrontations between security forces and the demonstrators in several parts of the capital and at least one outlying city. Arrests and confinements were followed by accusations that the police had used excessive force and by charges that two of the detainees died of torture. The deaths did occur, but there is no evidence that they resulted from torture. This event, highly unusual in this traditional society, generated a strong negative reaction in the general populace, as well as in the Government and the Military Committee. Government allegations of foreign involvement led to the expulsion of all Libyan diplomats and teachers.

The larger application of individual rights as articulated in the Universal Declaration of the Rights of Man confronts well-entrenched traditions in a country which was lightly touched by the European colonial experience. Limited opportunities for females to participate in political life, barriers to social mobility, and difficulties of access to employment imposed by traditional tribal family connections remain basic issues. Most serious of all are the remnants of slavery, which has survived three attempts at abolition, and Arabization issues concerning the law and schools. Maurs and blacks have clashed, sometimes violently, over such issues.

Assemblies devoted to public discussion other than those under government sponsorship are forbidden. The media are tightly controlled and opposition groups are banned. The "Structure for the Education of the Masses," advertised as an indigenous and peaceful revolution free from all imported ideological systems, has led to discussion groups and self-help committees in most larger communities. Former President Haidalla encouraged the Structure as a vehicle for the articulation of popular grievances, for undertaking civic action projects, and for finding local ways to combat desertification.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There have been no reports in 1984 of politically motivated killings.

b. Disappearance

There were no cases of politically inspired disappearances during 1984.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Mauritanian law prohibits the use of torture, and there is no evidence that it was practiced in 1984, although there were charges that two deaths resulted from torture. There is no record of summary executions or of degrading treatment of prisoners. Public flogging is still occasionally staged.

Although the Government remains opposed to slavery and has established a commission to implement abolition decrees, forced labor practices still exist. The United Nations Subcommission on Human Rights visited Mauritania in early 1984. Its report recognized both the continued, limited existence of the practice and the serious, though not very effective, efforts of the Government to stamp it out. Thus Mauritania's 1980 Declaration of the Abolition of Slavery can be said to represent a statement of intent, but it is not possible as yet to measure the extent of its effect on the residual slavery that still exists. The institution persists largely in southern Mauritania, where it originated in conflicts between nomadic Maurs and settled blacks, even though outlawed by French colonial administrators and proscribed in the Constitution promulgated at independence in 1960. Slavery in Mauritania is not identifiable with chattel servitude of the American historical experience. There is no well-developed market for slaves, and the large class of descendants of slaves and freed slaves is regulated by complex social obligations. Many freed slaves still give part of their wages to their former masters, many of whom provide food and clothing and sometimes guarantee employment for the former slaves.

d. Arbitrary Arrest, Detention, or Exile

Mauritanian law guarantees expeditious arraignment and trial, access to legal counsel, and right of appeal. An exception, based on legislation enacted before the 1978 coup, is the prerogative to detain, without trial or appeal, anyone judged to be a threat to national security. Detainees are usually confined to their residences, but prisons for the more serious cases exist in both Nouakchott and Jereida (maximum security).

Before his ouster, former President Haidalla on November 20, 1984, released on bail 6 political prisoners, including the former heads of the national labor union and the student union. The new regime of President Taya released 32 political prisoners on December 17 and an additional 133 detainees on December 19. Those released included a former Prime Minister and well-known opponents of the former regime, including prisoners named by Amnesty International as "prisoners of conscience" or those who were subjects of Amnesty International interest. On December 21, the Government declared a general amnesty for 69 persons convicted of political crimes living in Mauritania or abroad. The amnesty was coupled with an invitation to all Mauritanians in exile to return home to participate in a program of national revival.

### e. Denial of Fair Public Trial

An inadequate and under-financed judicial system results in suspects being held for long periods before trial. The Shari'a Islamic code, as instituted in Mauritania in 1980, covers adultery, personal theft, and murder. A Muslim judge presides over a jury chosen by the governor of the region. The defendant has a right to counsel and can appeal a guilty verdict to the Supreme Islamic Court within 15 days.

Circumstantial evidence cannot be admitted as proof of guilt. Admission of guilt is sometimes obtained in the context of a promised reduction in punishment. An inability to convince the sitting magistrate that the Government's charges are in error in itself is considered by the courts as a legal admission of guilt, as is the convincing testimony of a first-hand witness or co-defendant. Extended confinement is sometimes used to encourage self-incrimination. All sentences must be approved by the President. Opposition to the Shari'a code has been expressed by certain blacks and women, who believe that the Shari'a code favors the Maur way of life and limits the role of women.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.

Government interference in private affairs, save in instances where treason is suspected, is limited. Reflecting the nomadic penchant for privacy and the sanctity of confidences, a lack of sophisticated equipment to undertake surveillance, and the isolation of various parts of the country from one another, the Government limits its surveillance to patrols on major highways, occasional night-time inspection of vehicular traffic, and inspection of mail suspected of containing currency or prohibited items. Indeed, the Government is often ignorant of information required for the protection of the public welfare, because lines of communication run more readily along family lines than through a bureaucratic chain of command. Association with foreigners and the expression of opinion is not discouraged, although most Mauritanians are careful not to propagate patently seditious opinions. Shortwave broadcasts and Senegalese television are followed openly. Videotapes on a wide variety of subjects circulate freely in Nouakchott. The Government enforces strictly its prohibition of public meetings addressing political themes, and the single newspaper is totally controlled by the Government, but ideology is low-key.

## MAURITANIA

### Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Freedom of speech and press is restricted. Mauritania's only newspaper, news agency, and radio/television station are government-operated. The Government does not permit criticism of its policies or authority, and editorial content of the media is controlled. International news magazines and newspapers generally circulate freely in Mauritania, even when they contain articles critical of the Government. However, public sale of certain magazines is prohibited.

Private dissent is lively, and family and clan networks act as vehicles for communicating complaints and airing dissent. The nomadic tradition also provides for candid expressions of concern to the leadership, and former President Haidalla often encountered frank and candid expressions of opinion on a wide variety of subjects when he toured the provinces. In practice, the Government appears to concern itself only with activities directly related to the destablization or overthrow of the military government.

### b. Freedom of Peaceful Assembly and Association

Freedom of peaceful assembly has been suspended since 1978 when the military assumed control of the country. Following the reorganization of the Military Committee in April 1979, and again after the March 16, 1981, coup attempt, curfews were imposed to discourage public gatherings. There were no curfews imposed in 1984, but the aftermath of the spring disorders sharply reduced vehicular and pedestrian traffic in the late evening almost automatically.

Labor unions were the only political organizations not dissolved after the 1978 military coup. All union activities are supervised by the Union of Mauritanian Workers, a governmental organization attached to the Ministry of Employment and Training. Unions are recognized only when they register with the official body and accept an appointed director general. Local union officials state there are approximately 26,000 members now. Union membership is not universal; workers must pay an annual membership fee of $4.00 but the Government indirectly finances most union activities. The right to strike exists in theory, but an extended strike would probably be strongly opposed by the Government. A demonstration did take place early in 1984, allegedly as the result of black discontent with Maur domination of the Union. The police used tear gas to break it up, but no known arrests occurred.

### c. Freedom of Religion

Islam is the official religion of Mauritania; the country's official name is the Islamic Republic of Mauritania. Virtually all citizens are Muslim. Proselytism and the construction of churches and other non-Islamic houses of worship are prohibited without express government permission, which has been granted in several instances, however, to Mauritania's small Roman Catholic community. Several Catholic churches operate freely. There are no restrictions on personal religious expression, but in 1982 some members of the Bahai faith were threatened with expulsion for alleged proselytizing activities. There were no such reports in 1984. There is no religious discrimination in employment.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on movement within the country, although travelers are frequently subjected to routine police checks. Mauritanians must obtain an exit visa to travel abroad, but there are no barriers to emigration or repatriation. A few Mauritanian officials have left the country because of political opposition to the Government. The Western Sahara conflict has led to a small immigration of refugees from the war into Nouadhibou and other northern towns, but there are no political refugees in Mauritania.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The right of citizens to change their government has not existed since 1978 when the military abolished Mauritania's only political party. At the present time there are no elected representatives and opposition groups are not tolerated. As illustrated by the December 12, 1984 ouster of former President Haidalla, changes in leadership come strictly from within the military.

In 1980, a civilian prime minister was appointed and a draft constitution was published providing for a democratic multiparty system, but progress toward democratization ceased following the late 1980 discovery of an alleged Libyan-inspired plot to take over the Government and merge Mauritania and Libya into a single state, and the March 1981 attempted coup. A military prime minister replaced the civilian incumbent and efforts to restore constitutional rule were suspended. In 1984 the Government attempted to encourage public participation in community activities as the Structure for Education of the Masses became better established. The movement has emphasized decentralization of the Government decisionmaking process and expanded scope for local initiative. It is also intended to reduce tribal and ethnic antagonism and to parry threats posed by foreign ideologies. To date the principal focus has been on raising popular awareness of the danger posed by the drought, but citizens have used the Structure as a vehicle to criticize certain government policies and officials.

The black population is represented at all levels of government, but in numbers far less than its proportion of the total population. Many blacks claim that the Maurs are substantially overrepresented in the Government and religious institutions, since blacks believe they constitute a majority of the population. The Government insists, however, that a substantial majority of Mauritanians are Maurs. A sizable segment of the black population (blacks whose mother tongue is Hassaniyya Arabic) is considered by the Government, and considers itself, to be Maurs.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Haidalla regime was aware of the continuing Amnesty International concerns over a number of human rights issues, but considered that the majority of the specific charges were based on misinformation. Nonetheless, the attention paid to these issues by the foreign press and foreign governments made the Government conscious of the potential cost of violations, and highly sensitive to criticism.

In August 1981, the U.N. Human Rights Subcommission's Working Group on Slavery heard a report from the London-based Anti-Slavery Society on slavery in Mauritania. The report accused the Mauritanian Government of taking no action to abolish slavery beyond the 1980 edict declaring it illegal. The Government regarded the report as misleading and invited the Subcommission to send an expert to Mauritania, which it did in early 1984. The expert's preliminary conclusions included recognition of the Government's efforts to eliminate the "vestiges" of slavery, but noted that these vestiges continue to carry considerable weight in Mauritania.

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Mauritania's economy, always marginal, has been subject to drought for more than a decade, which has intensified in the last two years, decimating the livestock and reducing indigenous food production to less than 10 percent of the national requirements. Mineral exports, which account for 85 percent of the country's foreign exchange earnings, have been hindered by poor planning, increasing debt, and logistical problems. Investment in new iron ore mines undertaken since 1978 may extend the life of known deposits beyond the year 2000, but only more buoyant world prices are likely to reduce the enormous debt burden incurred. Drought and high import prices for food and energy have reduced the monetary reserves to a low level. The lack of rain, coupled with the war in the Western Sahara, contributed to a rapid population shift to urban areas. Nouakchott, a new city built to accommodate 30,000 inhabitants, now contains a population estimated at over 400,000, out of a total national population of 1,623,000. Elemental needs in hygiene, education, social services, employment, and economic development far exceed what the Government can provide.

Small business enterprises are an important part of Mauritania's economy; food stands and shops flourish in the towns. The Government dominates large-scale industry, however, and nearly all major services and utilities are run by state-owned firms. These firms offer entrepreneurial opportunities to Mauritanians who possess capital to invest; but only limited employment opportunities for poor, unskilled Mauritanians. Just as Maurs tend to predominate in senior government positions, they appear to enjoy favored access to senior positions in the state-owned sector.

In the rural sector, a small population scattered over a vast landscape is far removed from many governmental services. As the drought has intensified, government efforts have been concentrated on supplying essential foodstuffs received from international donors to a population increasingly malnourished; in large areas the rural population is almost completely dependent on food assistance. Instances have been recorded of hoarding, illegal sale of donated food supplies, and withholding of vital nourishment from slaves and children, which take place despite efforts of the Government to change isolated communities' traditional responses to the prospect of famine. The calorie supply as a percent of requirements (1977 figure) is 84.98 percent. Mortality rates among infants (in

1984, 138.30 per 1,000) and the elderly are expected by medical authorities to rise during the coming year despite a multinational emergency food assistance effort now under way. Life expectancy at birth is 45.43 (1984); the population growth rate is 2 percent (1984).

Inequities in income distribution (GNP per capita is $465.80--1982) are more pronounced in Mauritania than in its West African neighbors, in part because Mauritania's iron ore and fisheries exports require heavy investment of capital, technological expertise, and management skills. The tax system is progressive, although few Mauritanians appear to pay their true tax assessment. Private sector initiatives are protected and encouraged. In education, the Government's task is complicated by the very sharp divisions between the Arabic-speaking Maur population and the blacks, who have traditionally preferred to be educated in French and local languages rather than in Arabic. The Government abandoned plans in 1981 for total Arabization of the educational system after encountering widespread opposition. The primary school enrollment in 1981 is 33.90 percent (1980) of the eligible age group. Mauritania's literacy rate remains very low--17.40 percent (1976)--and those aspiring to advanced training look for financial assistance to go abroad. For Mauritanians who obtain such an education, employment prospects in Mauritania are bleak.

Traditional cultural and social values limit the role of Mauritanian women in government and business. Some women have risen to prominent positions in the fields of health and education, and many women are employed as teachers and middle- or low-level government bureaucrats. While women are free to participate in governmental affairs and business, few women attempt to combine a career with their family responsibilities. Statistics indicate that only half as many women as men avail themselves of educational opportunities, a phenomenon which may be due to cultural, rather than legal, constraints. The Government has recently recommended the establishment of an office for women's affairs.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: MAURITANIA

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 11.2 | 12.5 | 13.9 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 11.2 | 12.5 | 13.9 |
| A.AID ................. | 6.3 | 5.1 | 4.9 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 6.3 | 5.1 | 4.9 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 3.4 | 6.0 | 7.4 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 3.4 | 6.0 | 7.4 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 3.4 | 6.0 | 7.4 |
| E.RELIEF.EC.DEV & WFP. | 1.7 | 4.5 | 5.5 |
| VOL.RELIEF AGENCY..... | 1.7 | 1.5 | 1.9 |
| C.OTHER ECON. ASSIST... | 1.5 | 1.4 | 1.6 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 1.5 | 1.4 | 1.6 |
| PEACE CORPS...... | 1.5 | 1.4 | 1.6 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.1 | 0.1 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.1 | 0.1 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.1 | 0.1 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 11.2 | 12.6 | 14.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 11.2 | 12.6 | 14.0 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 17.8 | 8.6 | 8.1 | 390.1 |
| IBRD | 0.0 | 0.0 | 0.0 | 126.0 |
| IFC | 0.0 | 0.0 | 0.0 | 17.9 |
| IDA | 12.7 | 4.6 | 8.1 | 86.9 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 2.9 | 2.7 | 0.0 | 37.1 |
| UNDP | 0.2 | 1.3 | 0.0 | 19.3 |
| OTHER-UN | 2.0 | 0.0 | 0.0 | 6.6 |
| EEC | 0.0 | 0.0 | 0.0 | 96.3 |

## MAURITIUS

Mauritius is a small, densely-populated island country with a parliamentary democracy modeled after that of Great Britain. Mauritius is governed by a Prime Minister, a Council of Ministers, and a Legislative Assembly. Parliamentary, municipal, and village council elections take place at regular intervals. A Governor General with largely ceremonial powers is appointed on the advice of the Prime Minister and represents Queen Elizabeth II, who is also titular head of state as Queen of Mauritius.

Political and civil rights are protected under the Mauritian Constitution and exercised in practice. There are four major political parties with wide-ranging ideologies, and a host of minor parties. Executive power has changed hands twice in the last three years through general elections supervised by an independent electoral commission. Over 80 percent of eligible voters participated in these elections. Religious freedom is uninhibited in this multi-religious society, which includes large Hindu, Christian, and Muslim populations. Mauritius has a free and active press, with 11 newspapers for a population of one million. There are about 290 labor unions which enjoy considerable freedom in contract negotiations and within the political arena, but their right to strike is limited by law.

Mauritius' independent judiciary administers a legal system based principally on the British model. Since independence in 1968, there have been no substantiated reports of political killings, disappearances, torture, or degrading treatment of prisoners. There is equal protection for women under the law, although women remain underrepresented in the upper echelons of government and business.

Mauritius has a per capita income of $1,240. Its mixed economy, based on sugar production, tourism, and simple manufacture for export, including textiles, has both a strong private sector and a number of state-owned enterprises. In 1984, the economy started to pull out of a recession, and unemployment, which peaked to 25 percent in 1983, fell to about 20 percent by mid-1984. In recent years, Mauritius has adopted austerity readjustment policies consistent with guidelines from the International Monetary Fund and the World Bank. Health and education systems are state-supported, and of generally adequate quality. The literacy rate is 79 percent.

There were unsubstantiated allegations of government petty harassment of opposition figures in 1984, including surveillance and wiretaps. Political activity continued at an active pace, however. Political rallies were held regularly, and a major congress by the leading opposition party attracted about 40,000 supporters in September. Opposition newspapers constantly criticized policies and public figures of the governing coalition. A law to require newspapers to post a $20,000 bond against libel suits was passed by Parliament in March, but was not implemented following widespread protests.

# MAURITIUS

## RESPECT FOR HUMAN RIGHTS

## Section 1 Respect for the Integrity of the Person, Including Freedom from:

### a. Political Killing

There were no reports of political killings in 1984. There have been no such reports since independence in 1968.

### b. Disappearance

There were no reports of disappearance of persons in Mauritius for political causes.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture or inhuman punishment is prohibited by law. Although there have been no reports of degrading treatment or punishment, there have been reports of serious overcrowding in local prisons.

### d. Arbitrary Arrest, Detention, or Exile

There have been no reports of arbitrary arrests and/or detention since the early 1970's, when opposition political and trade union leaders were jailed, accused of creating chaos and anarchy. Habeas corpus exists in practice, and a person can be held only up to 48 hours without being charged. Bail is common. Exile has never been used in Mauritius as a means of punishment.

### e. Denial of Fair Public Trial

Mauritius' judicial system, modeled on that of Great Britain, consists of a Supreme Court with appellate powers and a series of lower courts. Final appeal to the Queen's Privy Council in the United Kingdom is provided for by the Constitution. There are no political or military courts. The courts have a very good record of assuring fair, public trials to those charged with crimes. Defendants have the right to private or court-appointed legal counsel. There have been no allegations by political parties, human rights groups, or the media of political bias in the judiciary. In the past the judiciary has made several politically unpopular decisions, such as finding a prominent minister guilty of corruption.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The sanctity of the home is guaranteed by law and respected in practice. The search of personal property or premises is allowed only under clearly specified conditions by court order, or by police decision if an illegal act has been committed. There are no reports of arbitrary intrusion by the state or political organizations into the private lives of individuals. There have been unproven allegations that the Government through its intelligence apparatus occasionally opens mail, carries out wiretaps, and exercises surveillance on opposition leaders.

## MAURITIUS

### Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Freedom of speech and press is protected both in the Constitution and in practice. Eleven privately owned daily and weekly newspapers, representing widely varying hues of the political spectrum, freely express partisan views. Newspapers are subject only to the legal constraints of libel laws. In April 1984, the Parliament passed the Newspaper and Periodicals Act which, among other things, required each newspaper to post a bond equivalent to $20,000 to cover possible liability in legal suits, a large sum by Mauritian standards. After a series of protests by journalists and the opposition party, during which 44 journalists were arrested for civil disturbances, a government commission, led by the former Supreme Court Chief Justice, was formed to review the Bill. The Commission advised the Government not to implement the Act and not to prosecute the journalists. The Government accepted these recommendations.

### b. Freedom of Peaceful Assembly and Association

There are no legal proscriptions against the right of individuals to form associations, including political parties, trade unions, and religious associations. Although the Public Order Act requires police permission for demonstrations and mass meetings, such permission is rarely refused. Political, cultural, religious, and other mass assemblies are commonplace. For example, a congress sponsored by the opposition party in September/October 1984 was held without incident and played host to some 40,000 followers. This was in the tradition of the 1982 and 1983 parliamentary campaign, when daily political rallies of the competing parties regularly attracted large numbers without any reports of violence or civil disorder.

Mauritius has one of the freest and most widespread trade union movements in Africa, with seven trade union confederations and numerous unaffiliated unions. With about 290 unions the Mauritian labor movement represents some 90,000 workers, over one-fourth of the work force. The largest confederation, the Mauritian Labor Congress, is a member of the democratically-oriented International Confederation of Free Trade Unions. Unions are free to press wage demands, link with domestic political parties and international organizations, and address political issues. One of the leading federations actively supports the opposition party. Nonetheless, some union officials charge that the Industrial Relations Act, which requires a 21-day cooling-off period, followed by binding arbitration, has the effect of making most strikes illegal. Others claim that the ease of registering a union, requiring only seven members, has been used to fragment the union movement in Mauritius. The Government is considering new legislation to amend the Industrial Relations Act to respond to these complaints.

### c. Freedom of Religion

There is no official state religion in Mauritius. Christians, Hindus, Muslims, Buddhists, as well as a number of other religions and sects, openly practice and teach their own religion without prejudice. All religious institutions receive state subsidies in proportion to their number of adherents. There is no state-sanctioned discrimination against any of Mauritius' ethnic and religious communities. Political candidates are often chosen on the basis of their ethnic or religious affinity and the composition of the particular electoral constituency. In the National Parliament, 8 of the 70 members are selected via a complex "best loser" system, designed in part to assure that all ethnic groups are adequately represented. There have been allegations that certain communities, particularly the Muslim, are underrepresented in the civil service, particularly at higher levels.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on movement within the country, foreign travel, emigration, and repatriation. Fewer than 10 people have applied for refugee status in Mauritius during the past 3 years. There is no forcible repatriation.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Mauritius is a participatory democracy with a parliamentary system patterned after that of Great Britain. The country is governed by a freely elected, unicameral legislative assembly, with executive direction coming from a Council of Ministers headed by the Prime Minister. The parliamentary opposition is headed by an official leader elected by opposition members of the legislative assembly. Although there have been proposals to make Mauritius a republic, a Governor General appointed on the advice of the Prime Minister still represents Queen Elizabeth II, who is also Queen of Mauritius. The Governor General's role is largely ceremonial, with real executive power resting with the Prime Minister. The Governor General could play a significant role, however, should elections be very close, since he would designate the person he believes could best form a new government. Voting and running for office are open to all citizens 18 years of age and over.

Women in Mauritius are free to participate in all types of political, business, and social activities, and a few hold high positions. Nonetheless, conservative religious and ethnic attitudes do inhibit women, and only 4 of the 70 parliament members and 1 of 19 ministers are women.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

There are no known reports of requests by outside or domestic organizations to investigate the human rights situation in Mauritius. Amnesty International maintains two branches in Mauritius. There is also a local Roman Catholic human rights organization, the Justice and Peace Commission. Neither of these organizations has expressed concern with the Government of Mauritius about its human rights situation. Amnesty International did not have an entry on Mauritius in its 1984 Report. Freedom House rates Mauritius "free."

## MAURITIUS

### ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Mauritius is a small, relatively prosperous island state with a population of just over one million and a 1982 per capita gross national product of $1,240. The Mauritian economy is based on sugar production, tourism, and simple manufactures such as textiles. A strong private sector works hand-in-hand with the Government and with state-owned enterprises. The recent international recession hit Mauritius hard, cutting foreign demand for manufactures, lowering world sugar prices, and reducing tourism. Unemployment rose to about 25 percent at the end of 1983, with serious impact on the poorer segments of the population. Despite Government efforts to expand its unemployment insurance program and a large social security fund, an effective social safety net does not yet exist. Still, the economy picked up somewhat in 1984, with a net increase of about 10,000 jobs. Unemployment fell to about 20 percent. Fewer than one in eight Mauritians are below the absolute poverty level, the same as in 1979.

The revival in 1984 was complemented by expanded assistance from bilateral and multilateral sources, including the International Monetary Fund and the World Bank. In accordance with large loans from these agencies, the Government of Mauritius has adopted an austere program of structural readjustment, designed to reduce government involvement in the economy, encourage industrial and tourism expansion, diversify agriculture, and rejuvenate the sugar sector.

Mauritius places a high priority on education, with the Education Ministry receiving the largest ministerial allocation in the 1984/85 budget: about $38 million. Education in both English and French is free and accessible to all through secondary school. Enrollment at the primary level is virtually universal. Adult literacy is 79 percent (1980 figure). The nation's only university teaches a technical curriculum to 400 students. Other secondary school graduates must go abroad for university education.

Medical care is available to all Mauritians through an expanding network of free government hospitals and clinics. The system emphasizes basic health needs and preventive care. Those requiring complex treatment must travel abroad. With one of the world's highest population densities, Mauritius has stressed mother-child health care and family planning. The infant mortality rate has declined to about 30 per 1,000 live births according to World Bank data, while the population growth rate has been halved in the past two decades to 1.3 percent in 1984. Life expectancy at birth is about 67 years. Malnutrition is not a serious problem, even in the poorer rural areas, with calorie supply exceeding nutritional requirements by 14 percent in 1977, the latest available data. The Government has also concentrated on expanding access to safe water, especially in rural sectors, where only about one in five had such access in 1975. In urban areas 100 percent of the population has access to safe water. With the help of foreign donors, including the U.S. Agency for International Development, about half the rural sector now has potable water.

The Mauritian Government is on record as seeking to improve the status of women. Recent amendments to laws ranging from emigration to inheritence have removed sexually discriminatory sections. The emphasis on mother-child health care has encouraged food supplements for pregnant women, greater prenatal care, and female education. There is a Ministry of Women's Rights and Family Affairs, headed by a woman. Nonetheless, despite a six-fold increase in the 1984/85 budget, this Ministry receives only $300,000. The literacy rate in 1980 for women was 73 percent, compared to 86 percent for men. Women tend to occupy the less skilled and lower paid jobs in the economy, such as operators in the textile plants. They are particularly susceptible to layoffs during economic downturns.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS (U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: MAURITIUS

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 7.0 | 6.1 | 4.8 |
| LOANS.............. | 3.3 | 3.3 | 0.0 |
| GRANTS............. | 3.7 | 2.8 | 4.8 |
| A.AID ................. | 2.0 | 2.0 | 4.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 2.0 | 2.0 | 4.0 |
| (SEC.SUPP.ASSIST.)... | 2.0 | 2.0 | 4.0 |
| B.FOOD FOR PEACE....... | 5.0 | 4.1 | 0.8 |
| LOANS.............. | 3.3 | 3.3 | 0.0 |
| GRANTS............. | 1.7 | 0.8 | 0.8 |
| TITLE I-TOTAL.......... | 3.3 | 3.3 | 0.0 |
| REPAY. IN $-LOANS..... | 3.3 | 3.3 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 1.7 | 0.8 | 0.8 |
| E.RELIEF.EC.DEV & WFP. | 1.7 | 0.8 | 0.8 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 7.0 | 6.1 | 4.8 |
| LOANS.............. | 3.3 | 3.3 | 0.0 |
| GRANTS............. | 3.7 | 2.8 | 4.8 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 6.9 | 17.3 | 64.4 | 278.0 |
| IBRD | 6.0 | 12.2 | 60.2 | 196.2 |
| IFC | 0.0 | 0.0 | 0.0 | 0.5 |
| IDA | 0.0 | 0.0 | 0.0 | 20.2 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 4.2 | 24.0 |
| UNDP | 0.9 | 0.7 | 0.0 | 13.5 |
| OTHER-UN | 0.0 | 0.4 | 0.0 | 2.3 |
| EEC | 0.0 | 4.0 | 0.0 | 21.3 |

# MOZAMBIQUE

After five centuries as a Portuguese colony, Mozambique gained independence in 1975 following a decade of guerrilla warfare waged by FRELIMO (Front for the Liberation of Mozambique), which then took power. The Government is run by a Council of Ministers appointed by the President, who is also the head of the FRELIMO party. It is the only functioning party and establishes the general parameters of government policies. FRELIMO espouses socialism tempered by nationalism and pragmatism.

With independence, the new Government confronted growing activities of the National Resistance Movement. The sharp rise in the armed conflict in 1984 resulted in serious incidents in which civilians were frequently the victims. Trains, buses, and cars were attacked and the occupants shot and burned. Rural villages were pillaged, with the residents often killed, kidnapped, or disfigured. For their part, security forces eager to press the fight against the resistance at times also committed atrocities. Excessive measures by the security forces caused President Machel to wage a public campaign against such abuses and to replace in mid-year the Minister of Interior and the Minister of Security, both of whom had been closely associated with the harsh security measures. Dozens of other security officials were also dismissed or jailed. In March, 1984, the Government of Mozambique and the South African Government signed the Nkomati Accord, by which each side agreed not to let its territory be used as a staging area for insurgent attacks on the other. Later in 1984, negotiations began under the auspices of the South African Government to attempt to achieve a ceasefire in Mozambique. To date, no significant progress has been made in reducing hostilities.

There were some positive developments in 1984. For example, some of the most blatant abuses which took place during 1983 ceased, including the ending of public executions and public whippings. Fifty-two individuals, imprisoned for political crimes such as espionage and working for the former colonial power, were granted amnesty in September 1984. "Operation Production," instituted in 1983 to move large numbers of urban unemployed to rural areas, also came to a halt. Organized religion continued to operate with relative freedom. Nevertheless, the human rights outlook remains tenuous due to domestic violence, economic problems, and fragile social and political institutions.

Mozambique ranks among the world's poorest nations. Per capita gross national product was estimated at $376 in 1982, but has probably dropped since then. The country faces a large balance of payments deficit and has rescheduled its foreign debt. The lack of trained personnel is one of many obstacles to rapid economic and social development. About 85 percent of the population is engaged in subsistence agriculture. The economy has deteriorated steadily over the past few years as a consequence of successive natural calamities (prolonged severe drought and heavy localized flooding), disruptions caused by resistance activity, and ill-conceived economic policy. The Government is taking some remedial steps in economic policy, including: increasing support to the family and private sectors in agriculture, boosting producer prices, and controlling public sector hiring and wages. It also became a member of the IMF/IBRD system.

# MOZAMBIQUE

## RESPECT FOR HUMAN RIGHTS

## Section 1 Respect for the Integrity of the Person, Including Freedom from:

### a. Political Killing

The continuing war between government and resistance forces has led to the death of both Mozambican and foreign civilians. The insurgents have been brutally violent, killing, maiming, and kidnapping their targets. Government military actions have also contributed to civilian casualties in contested areas. Precise figures are unavailable, although the total number of fatalities is estimated to be in the hundreds. The insurgents have targeted, in particular, party and government officials and foreign workers. Several Portuguese are known to have been assassinated during the year, as was an Italian priest.

There were no known public executions of those convicted of economic offenses or other crimes against the state as had occurred during the previous year. At the beginning of 1984, President Machel announced a general amnesty for those rebels who voluntarily turned themselves in with their weapons. There have been no reports of harm to those taking advantage of the amnesty, although it is possible that captured rebels may have been sentenced by military tribunals which have the power to impose capital punishment in closed proceedings that do not provide for defense counsel.

### b. Disappearance

Although the occasionally arbitrary nature of judicial and police activities has led to situations in which relatives and friends of detainees lose track of prisoners, there are no confirmed reports of government-sponsored disappearances. The resistance has abducted thousands, usually villagers, sometimes conscripting them into their movement. On occasion the resistance also kidnapped or killed foreign residents.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

In 1983 the Government legalized floggings for a wide range of crimes including black marketeering. There have been several reported cases of injury. Prisons are generally overcrowded and characterized by inadequate food, hygiene, and medical care. Apart from its regular prisons, the Government established, shortly after independence, "reeducation centers" in remote parts of the country where political prisoners and other "anti-social elements" (e.g., prostitutes, black marketeers, etc.) are interned. The prisoners may be given sentences of indeterminate length. Conditions at the centers are harsh and prisoners must feed and shelter themselves. Reports by occasional visitors describe extremely spartan living conditions. There have been allegations of capricious and cruel treatment by guards.

### d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention occur in Mozambique. Preventive detention may be employed if officials believe a crime is probable or imminent. Although the concept of habeas corpus is acknowledged in Mozambique law, it is not always followed. A suspect may be held up to 90 days before charges are brought in serious cases, and for shorter periods in lesser cases. This period is meant to be used for investigative purposes, and may be extended only once, for an additional 90 days, if the state requires more time to prepare its case. In practice, however, once charges are brought, prisoners sometimes languish in prison for months before they are brought to trial. Detainees may be released from prison prior to their trial but there appears to be no well-defined system of bail. There are cases where the individuals, both Mozambican and foreigners, are held incommunicado.

### e. Denial of Fair Public Trial

Partly because of the Portuguese influence, Mozambique employs an inquisitional, rather than adversary, system of justice. In cases which the court rules to be of insufficient significance, the accused are denied access to defense counsel. Public defenders are available in other cases.

The Government exerts strong influence over the judiciary, which suffers from the lack of qualified personnel and a firm institutional base. However, continuing efforts are made to train lawyers and judges.

Judgment is rendered by the judge and two or four elected jurors. In so-called people's tribunals in rural areas, individuals with only rudimentary education and legal knowledge are expected to exercise common sense and apply general principles. Military tribunals try both civilian and military personnel in cases involving "crimes against the people and state security." This definition has been expanded to include economic criminals such as black marketeers. Military tribunals operate in camera and are composed of military personnel, some of whom may have legal training. Right of appeal is recognized for non-military cases involving sentences of eight or more years, and persons sentenced to death may appeal to the President of the Republic.

There is no reliable estimate of persons detained for political reasons. Over the almost 10 years of independence, the total could add up to several thousand if reeducation camp inmates are included. There have been claims that 3,500-6,000 resistance troops are in custody. However, most observers believe there is a downward trend in the numbers of persons incarcerated for their political beliefs.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The degrading "Operation Production" which forcibly relocated thousands from large urban areas to the countryside in 1983, halted in 1984. A few of the most blatant abuses were corrected as some people were allowed back to their former dwelling places. People are not forced to belong to FRELIMO. However, the party attempts to establish local chapters in most functioning government and business organizations. There is a notable correlation of professional advancement and party membership, although it is not total.

It is widely assumed that surveillance devices are employed in local and international telecommunications systems. There have also been instances of tampering with mail, especially the international post.

## MOZAMBIQUE

### Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

At the local level, especially in rural areas, there is considerable openness for the people to express their views on prevailing conditions. For example, magazines and newspapers often contain articles or letters to the editor complaining about the lack of goods and social services, or the ineffectiveness of a particular individual. However, no outright opposition to government policies is permitted. The Government owns all authorized publications in the country as well as the radio and experimental television facilities. The media promote the Government's general philosophy and its viewpoints on issues, but there is reporting on abuses within the system or flaws in the implementation of policies where the Government itself has admitted to errors. Journalists are subject to pressures from the government-sanctioned association of journalists to which they must belong. Despite the ban on travel of South Africa-based journalists to the southern African "Front Line States," some journalists based in South Africa continue to visit Mozambique and conduct interviews.

### b. Freedom of Peaceful Assembly and Association

While there are private groups of individuals who join together for common interests, and while religious organizations are largely autonomous, the Government does exercise influence over most associations. It also sponsors a wide variety of important bodies such as women's organizations, youth leagues, etc.

In 1983 the Government established the Mozambique Workers' Organization, intended to function as a national labor union, and which remains affiliated to the FRELIMO ruling party. However, an organized union movement has yet to develop, and labor presently has little influence on economic policy or politics. There are occasional exchanges of delegations in the labor field with other countries, especially with those of Eastern Europe. Existing labor law is generally very favorable to the employee, but in practice it is difficult to enforce because of the fragility of the institutions associated with labor. The Mozambique Workers' Organization is a member of the continent-wide, Ghana-based, Organization of African Trade Union Unity.

### c. Freedom of Religion

There is no state religion in Mozambique. Although the Constitution guarantees freedom of religion, the Government has placed restrictions on the activities of religious groups. It has reserved the right to decide whether individual church buildings can be operational and whether individual clergy can visit outlying areas. It has stated its intention eventually to nationalize churches, schools, and hospitals. The Government still closely monitors religious activities, limits the number of dioceses in the country, and insists that the character of the religious groups be Mozambican and that they not act as representatives of external groups. The practice of traditional African religions is officially criticized and ridiculed but permitted.

The Government has, however, continued to relax administrative restrictions on the religious community. The right of churches to operate and follow their rites and ceremonies has been affirmed, and the Government has agreed to hear requests for reopening churches which closed during the uncertain period following independence. Government authorities have also granted the clergy greater access to outlying districts and parishes. Membership in a religious group per se does not appear to affect, either favorably or unfavorably, a person's secular standing, although, since it is incompatible with party membership, it is likely to hinder advancement in the political sphere.

### d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

Travel and relocation within the country are controlled by security and employment requirements under the rationale of assuring public and social order. Mozambicans are required to carry an identity card, work card, and residence permit. Mozambicans planning to travel outside their city of residence must obtain a travel permit from local government authorities.

Temporary visits abroad are permitted. Mozambican law does not address the issue of emigration, but in some cases would be emigrants have been imprisoned or interned in reeducation camps. Thousands fled from Mozambique at independence because of economic chaos and fears of political persecution. In the past few years, additional thousands have fled, some only temporarily because of the deteriorating security situation created by the guerrilla war and because of continuing economic hardship including the drought. In 1981 the Government announced a policy of welcoming back Mozambicans who had left the country, and in 1982 it passed a law allowing for the reacquisition of citizenship for Mozambicans who had left the country and assumed another nationality. Initially, some Mozambicans who had opposed the party before independence were jailed upon their return to the country. More recently, Mozambicans who have accepted the Government's invitation to return have apparently not suffered harassment or retribution.

Mozambique is not a party to any international agreement on the status of refugees. The Government has not been known to repatriate forcibly refugees to countries in which they fear persecution. Most refugees in Mozambique come from South Africa, Latin America, and Malawi. Despite Mozambique's weak economy, the Government has contributed to the welfare of these refugees.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The only legal party, FRELIMO, dominates political activity in the country. The party and the Government are controlled by a small cadre of senior officials. While structures for a mass political involvement exist at the provincial, district, and local levels, they do not provide significant citizen participation. The party and Government espouse a system of "People's Democracy" where decisions are made by consensus; in practice this means that policies and initiatives emanate from above. Election to representative bodies is made from a single slate and the electorate has the option of endorsing or rejecting candidates pre-selected by the party. Votes by the National People's Assembly endorsing government policies are usually unanimous. Individual ethnic groups are treated equally, and tribal affiliation appears to have slight correlation to political outlook. The number of ethnic Indian and white Mozambicans holding important positions is disproportionately high, a reflection of their greater educational opportunities.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

Mozambique is a member of the United Nations Human Rights Commission. Amnesty International's 1984 Report (covering 1983) expressed concern about the long-term detention without trial of suspected opponents of the Government, including some reported detainees arrested before independence in 1975; unfair trial procedures; and allegations of beatings and ill-treatment of prisoners. Freedom House describes Mozambique as "not free." The Government claims to be holding several thousand resistance adherents, but so far has not allowed international relief organizations access to them.

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Mozambique has a population estimated at 13.4 million, 85 percent of which is engaged in subsistence agriculture. Because of drought, lack of security, and mismanagement, food production has fallen far short of domestic requirements. Accordingly, the country spent a significant amount of its meager foreign exchange on food imports and relied on very sizable food aid grants from abroad, including emergency aid from the U.S. Although the drought conditions have improved, considerable foreign food aid will still be required in 1985. In 1977, caloric supply available for consumption was estimated to be only 81.5 percent of nutritional requirements. The Government does not actively promote population control programs and the population growth rate was estimated at 2.8 percent in 1984.

The industrial sector also faces severe problems. Productivity has suffered from shortages of raw materials, equipment, spare parts, and trained personnel. A lack of foreign exchange has prevented the country from easing the shortages through imports. As a result, most factories operate at less than 50 percent capacity, and even companies that produce for export have work stoppages.

The economic system is socialist and governmental enterprises dominate all sectors of the economy. Individuals are allowed to operate small businesses, but the right to own property is restricted. In 1983 the Government indicated publicly that small private farming should be encouraged and began to turn land over to the private sector. Mozambique continues to solicit foreign investment. Various companies have begun to explore for oil and gas. The Government published an investment code in 1984, signed an agreement with the U.S. Overseas Private Investment Corporation, and joined the IMF and IBRD. Medical care is significantly better in metropolitan areas. For example, the infant mortality rate now averages 141.0 per 1,000 nationwide, but varies from a low of 35-40 per thousand in sections of the capital to a high of 200 per thousand in some rural areas. Life expectancy at birth is 51.3 years but, again, there are wide differences among various parts of the country.

## MOZAMBIQUE

The Government continued its inoculation campaign, aimed primarily at children. Because so many of them are malnourished, children are particularly susceptible to disease (measles is a major killer), and as many as 40 percent of all deaths in the country occur among children under the age of five. Probably less than 10 percent of the population has access to safe water supplies and, even in large cities, outbreaks of cholera occur.

Education continues to be a priority. The Government has emphasized teacher training programs, particularly in rural areas. The World Bank estimated that the primary school enrollment ratio was 68.2 (78.3 for males, 58.3 for females) in 1981. Even taking into account that these figures include adults enrolled in primary school, they would appear to be high. A more realistic estimate would be a ratio of 50 to 60 for both males and females. Furthermore, even the lower figure can be misleading because of the poor quality of schools. Similarly, the World Bank estimated the literacy rate at 33.2 percent in 1980. Although the literacy rate has risen as a result of government programs, a rate of 20 percent (including those who are only semi-literate) would probably be more accurate. Other than the inequalities between rural and urban areas, the Government attempts to apportion social services more or less equally among the populations.

The status of women in Mozambique did not alter appreciably over the past year. Both the national Constitution and FRELIMO party policy provide that there shall be no discrimination on the basis of sex. In fact, however, two societies exist: a) the contemporary society of the larger urban areas; and b) the more traditional society of the rural areas. Women play a prominent role in the urban society. They have equal access to education. There is a surprisingly large number of women in the professions, the military, and within the bureaucracy, and many hold policy positions. They also engage in a wide range of economic activity, including commerce. In the political area, the Minister of Education and Culture is a woman, but no other women occupy ministerial or vice ministerial ranks. Moreover, there are no women on the FRELIMO Politburo, and women on the Central Committee are a small minority. There is a new organization devoted to women's affairs. In the rural areas, traditional practices reinforce discrimination against women. Specific customs vary according to ethnic grouping, but generally women do much of the manual labor in agriculture as well as care for the home and family. In certain ethnic groups, women may retain the earnings from cash crops they cultivate, but in most instances economic and political decisions are taken by men.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: MOZAMBIQUE

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 0.6 | 9.7 | 18.3 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.6 | 9.7 | 18.3 |
| A.AID ................ | 0.0 | 0.0 | 8.9 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 8.9 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 7.0 |
| B.FOOD FOR PEACE....... | 0.6 | 9.7 | 9.4 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.6 | 9.7 | 9.4 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.6 | 9.7 | 9.4 |
| E.RELIEF.EC.DEV & WFP. | 0.6 | 9.7 | 9.4 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 0.6 | 9.7 | 18.3 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.6 | 9.7 | 18.3 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 25.7 | 17.4 | 45.2 | 162.3 |
| IBRD | 0.0 | 0.0 | 0.0 | 0.0 |
| IFC | 0.0 | 0.0 | 0.0 | 0.0 |
| IDA | 0.0 | 0.0 | 0.0 | 0.0 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 23.2 | 0.0 | 45.2 | 116.9 |
| UNDP | 2.5 | 17.4 | 0.0 | 35.3 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 10.1 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## NIGER

Niger is governed by an authoritarian military regime with power concentrated in the hands of its President, General Seyni Kountche, who heads the nation's highest body, the Supreme Military Council. He took power in a military coup in 1974, toppling a civilian government which had lost popular support because of corruption and inefficiency. At the time of the coup the Constitution was suspended, and Kountche has since ruled by decree. The freedoms of assembly, expression, political activity, and movement within the country are restricted. The state's security apparatus is small but effective when coupled with the firm administration exercised by the provincial governors, all but one of whom are senior military officers. Public dissent in Niger is nonexistent, and private dissent is guarded for fear of retribution. People may, however, pursue their economic interests, and hold private property. Government administration, including the legal system, is considered generally fair and moderately efficient. Significant violations of the integrity of the individual occur but are not widespread.

Landlocked Niger occupies a large area in the arid Sahel region of West Africa. The economy is based primarily on subsistence farming, livestock, and a few cash crops. In addition, there is a mining sector dominated by uranium, of which Niger is one of the world's major producers. Poor worldwide prices and demand for uranium in recent years have had a serious negative effect on the Nigerien economy.

Overall, the state of human rights in Niger changed only slightly in 1984. In April, on the tenth anniversary of the coup which brought Kountche to power, the Government released about 20 political prisoners, including ex-President Diori. These political prisoners, connected with the 1974 coup or two subsequent coup attempts, had all been detained without trial. After these releases, the Government acknowledged that 36 political prisoners are still being held, most of them associated with an October 1983 coup attempt. The Government has indicated that those people implicated in the October 1983 coup attempt will be tried by a special military tribunal, but such a trial, if held, is expected to be in camera. An increasing preoccupation with internal security has led the Government to tighten internal restrictions on travel and population movements during 1984.

The state of human rights in Niger hinges to a great extent on how the Kountche Government deals with the internal and external threats it perceives. Internally, the economic decline was made much worse by a severe drought in 1984, probably the worst in this century. Externally, the main threat is Colonel Qadhafi, the Libyan leader, who has stated that Niger will be his next target after Chad. Nonetheless, despite these threats, the Kountche Government is proceeding with its policy of expanding the role of civilians in government and of instituting some modest political reforms to increase popular participation in government, at least in the economic sphere.

# NIGER

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

### a. Political Killing

There were no reports in 1984 of political killings by either the Government or terrorist groups.

### b. Disappearance

No disappearances were reported in Niger during 1984.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and cruel, inhuman, or degrading treatment is not believed to be practiced or condoned, but one student arrested during a student strike in 1983 died in detention shortly after his arrest. A labor official who was arrested following a dispute with the former head of the security services also died in 1983 while in detention. This individual was known to have been in poor health before his arrest and the exact cause of his death is not known. It is also not known whether the Nigerien Government investigated this case.

### d. Arbitrary Arrest, Detention, or Exile

There were two confirmed arrests of people for the expression of views critical of or different from the Government in 1984. In August, Customs Director Diallo Amadou Hassane and Presidential Inspector Ibrahim Samba Diallo were imprisoned for their alleged involvement in the marriage-by-proxy ceremony of a local woman with Bonkano Oummarou, the architect of the October 1983 coup against President Kountche. Both remain in detention, probably at the prison at Quallam, north of Niamey. Several other persons are believed to have been arrested in connection with the same incident. A senior military officer who reportedly criticized the Government was arrested early in 1983 and remains in detention. It is not known whether he has been formally accused or brought to trial. With the Constitution suspended, there are no specific statutory protections against arbitrary arrest or imprisonment, nor does habeas corpus exist. Warrants for arrest are not required. The law provides for a suspect to be charged within 48 hours, but delays, sometimes lasting months, occur as the result of a lack of trained, efficient legal officials. Apparently those arrested in connection with the attempted coup in 1983 have not been formally charged. The Government does not exile dissidents, but some dissidents have fled the country. There is no case of incommunicado detention. As a drought relief measure, the Government is insisting in some cases that indigents work in development projects.

### e. Denial of Fair Public Trial

There are public trials for civil and criminal cases not involving political acts. Legal counsel is provided for indigent defendants accused of felonies or other major offenses if they are under 18 years of age, handicapped, or faced with the possibility of a sentence of more than 10 years. There is some evidence that courts are subject to political influence or pressure in ordinary civil or criminal cases. Defendants may appeal verdicts first to an appellate court and, if desired, to the nation's highest tribunal, the state court, composed of civilian magistrates, which serves in the capacity of a supreme court as a final court of appeals. The President has the right of pardon in penal cases. Islamic justice is often used on a local basis throughout the country for petty crimes.

There is also provision for a state security court to operate outside the legal framework and try political cases. Such a court will reportedly try those accused of complicity in the 1983 coup attempt, but it is expected that such a trial will be held in camera. It is assumed that a security court can review sentences of a person already in detention, but information is not available about rules, or procedures, or if defendants are entitled to counsel. There are believed to be several more political prisoners in Niger than the 36 acknowledged by the Government. Most are accused of complicity in the 1983 coup attempt or are leftover detainees from earlier coup attempts. There are no current published estimates by private organizations on the number of political prisoners.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The police have the right to enter homes between 5 a.m. and 9 p.m. but will enter at other times if they believe they have sufficient cause. A court warrant is not required. There have been no reports of forced entry, but other violations of privacy such as monitoring correspondence and the operation of an informer system occur on a selective basis. A few cases of forced population resettlement are occurring as a government response to the drought.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

These freedoms are restricted. Institutions which might voice dissent, such as an independent press or a freely elected legislature, do not exist. The government-controlled media allow only occasional minor or veiled criticism of government policies or operations. Full academic freedom does not exist. The primary function of the media is to disseminate government policies and viewpoints and to engender popular support for them, as well as for such leading government figures and entities as the President and the military. Nigerien journalists are aware of their status as government employees and of the guidelines within which they are expected and required to operate. There have been no reported deviations from these requirements. There have been no reports of censored or banned magazines, or other publications, but the Government is under no constraints should it discover material that it deems offensive. Foreign films are subject to censorship on the grounds of public morality and political content.

### b. Freedom of Peaceful Assembly and Association

Except for political parties, most forms of voluntary association, such as trade unions, churches, and other religious groups, function with the understanding they operate consistent with government policy. They have no legal protection. Public meetings of such organizations are allowed, but the Government is under no restriction should it wish to limit such activity. The trade union movement exists apart from the Government and is organized in a confederation of 23 unions representing about 30 percent of the estimated 60,000 salaried workers in Niger. Although weak, poorly-financed, and subject to government influence, the trade union movement is considered fairly democratic. Meetings are frequent, and the unions have the right to organize, negotiate, and strike even though strikes are rare. The confederation maintains relations with recognized international bodies and sends representatives to international meetings. It also is a member of the Accra-based Organization of African Trade Union Unity (OATUU).

### c. Freedom of Religion

Niger is overwhelmingly Muslim, but Christian Churches operate freely. Conversion from one religion to another is permitted but occurs rarely. Foreign missionaries are permitted to enter and reside in the country. There have been no reports of religious discrimination, but adherence to Islam tends to give one an advantage in all sectors of life.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Travel within Niger is closely monitored, although no special travel documents are necessary for internal travel. Police checks, often accompanied by searches, take place on the outskirts of all cities and towns, but in 1984 these controls have been enforced more severely. In addition to a longstanding concern over smuggling, those measures stem from concerns over the movement of potential dissidents or criminal elements. In addition, the Government seeks to prevent migration to cities and towns from the countryside in order to reduce urban unemployment and associated social problems. Nigeriens wishing to travel abroad or emigrate must apply for exit visas which are usually granted routinely. The repatriation of Nigerien nationals is unrestricted. In early 1983, the Government willingly and efficiently repatriated approximately 55,000 Nigeriens who had been expelled from Nigeria. A small number of refugees from other countries have been accepted.

## Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

Niger is ruled by an authoritarian military regime. Virtually all political power is concentrated in the hands of the President, General Seyni Kountche. He rules in the name of the Supreme Military Council, a small group of military officers most of whom participated in the 1974 coup which brought Kountche to power. Kountche rules by decree, makes all government appointments, and decides the pace of all political change. The military remains the source of Kountche's power, but the number of military officers in high positions has declined substantially in recent years, except in the case of Niger's seven departments, all but one of which have military governors. Government operations are conducted largely by civilian technocrats.

The capacity of the people to influence the Government is improving but is still very limited. There are no political parties. As an alternative to a party-based democracy, the Government began in 1979 to create a structure it calls the Development Society, a hierarchical network of councils at the village, subregional, regional, and national levels. The councils, all of which were in place by late 1983, contain at each level a mixture of elected and appointed members, but only at the village level are some of the members elected directly by the people. At the higher levels, members are elected by the members at the next lower level. The precise role of the Development Society councils has yet to be defined in practice. Theoretically, their role is to involve the people in economic and social development activities. But even then their role is strictly advisory, and the councils have no financial support from the Government. The national council has the additional task of writing a national charter which is expected to pave the way for the writing of a constitution. The charter, and eventually the Constitution, are expected to address the subject of the future role of the military and find a formula for more popular participation in government.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

Niger is not an active participant in regional and international human rights organizations. Niger has not been the subject of resolutions, investigations, or other actions by human rights organizations. However, Amnesty International has expressed its concerns to the Government, and in its 1984 report, about long-term detentions without trial, ill-treatment of prisoners, and prison conditions. An International Red Cross official visited Niger in 1984, primarily to establish contact with government officials. Freedom House rates Niger "not free."

## SOCIAL, ECONOMIC, AND CULTURAL SITUATION

Niger is one of the world's poorest countries. Most of the current population of 6,284,000 lives at no more than a subsistence level. Fully 35 percent (1975 estimate) of the population lives below an absolute poverty level. Gross national product per capita was $306 in 1982. Other social indicators are also low. The adult literacy rate was 10 percent in 1980 (male 14 percent, female 6 percent). In 1978, the primary school enrollment ratio was 21 percent, with a large bias in favor of males (27 percent) compared to females (16 percent). Infant mortality is 137 deaths for 1,000 live births. Life expectancy is 46 years. On the average, Nigeriens receive 91 percent of daily nutritional requirements (1977 estimate). A 1975 estimate shows only 27 percent of the population has access to safe water (38 percent urban, 26 percent rural), but this figure is believed to have improved in recent years, thanks to a large-scale government well-drilling program.

Given these conditions, the Government has made economic development its top priority. The bulk of the funds derived from the uranium boom of the late 1970's have been channeled into projects in health, agriculture, and rural development. Foreign assistance has also largely gone to these sectors. Substantial progress had resulted from these efforts.

However, the current and future economic prospects for Niger are bleak. Uranium prices are not expected to recover, and Niger has no other easily exploitable source of wealth. A large foreign debt, contracted in the early eighties in a mistaken anticipation of continued high uranium prices, has proved difficult to repay, forcing Niger to reschedule its debt and adopt an IMF-supervised austerity program. To make matters worse, a devastating drought in 1984 has left thousands of Nigeriens with no private means of support.

Niger's social and cultural characteristics have mixed effects on human rights. The bulk of the population lives much as it has for centuries. The essentially traditional nature of society helps ensure that family and ethnic group ties remain strong and supportive, but traditional practices and attitudes on ethnicity, women, and education have some negative effects. Males have considerable advantages in terms of education, employment, and property rights. In case of divorce, custody of all children under eight years of age is given to the husband. Conscious of this situation, the Government has made progress in improving the status of women by launching work on a new family code, by making better employment opportunities available to women, by giving them a significant role in the Development Society, and by supporting the National Women's Association.

Four major ethnic groups, each with its own language, make up the bulk of the population. The two nomadic groups, Tuaregs and Peuls, have somewhat less access to government services, primarily because their nomadic life makes it difficult for the Government to supply them with social services such as education and health. In addition, some Tuaregs and Peuls remain unconvinced of the value of any formal education and keep their children from attending schools. The drought-prone Nigerien climate has a particularly harsh effect on nomads. In bad years, such as 1984, it can heighten traditional animosities between the nomads and the Government. Signs have appeared this year that such animosity has contributed to a slowness on the part of the Government to provide a fair share of relief assistance to the nomads.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
## (U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: NIGER

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 17.8 | 24.1 | 29.3 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 17.8 | 24.1 | 29.3 |
| A.AID ................ | 13.0 | 21.0 | 26.4 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 13.0 | 21.0 | 26.4 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 5.0 | 5.0 |
| B.FOOD FOR PEACE....... | 2.1 | 0.8 | 0.5 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 2.1 | 0.8 | 0.5 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 2.1 | 0.8 | 0.5 |
| E.RELIEF.EC.DEV & WFP. | 2.1 | 0.8 | 0.5 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 2.7 | 2.3 | 2.4 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 2.7 | 2.3 | 2.4 |
| PEACE CORPS...... | 2.7 | 2.3 | 2.4 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 2.4 | 2.5 | 2.2 |
| LOANS.............. | 2.0 | 1.2 | 0.0 |
| GRANTS............. | 0.4 | 1.3 | 2.2 |
| A.MAP GRANTS.......... | 0.0 | 1.0 | 2.0 |
| B.CREDIT FINANCING.... | 2.0 | 1.2 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.4 | 0.3 | 0.2 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 20.2 | 26.6 | 31.5 |
| LOANS.............. | 2.0 | 1.2 | 0.0 |
| GRANTS............. | 18.2 | 25.4 | 31.5 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 65.9 | 46.7 | 31.7 | 476.3 |
| IBRD | 0.0 | 0.0 | 0.0 | 0.0 |
| IFC | 2.6 | 0.0 | 0.0 | 2.6 |
| IDA | 26.1 | 30.1 | 11.7 | 226.1 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 14.6 | 12.5 | 20.0 | 61.0 |
| UNDP | 12.6 | 4.1 | 0.0 | 49.4 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 9.9 |
| EEC | 10.0 | 0.0 | 0.0 | 127.3 |

## NIGERIA

In 1984 Nigeria was governed by a group of senior military officers, led by Major General Muhammadu Buhari, who seized power on December 31, 1983, from an elected civilian government. The officers cited economic mismanagement, corruption, and abuse of office by the civilian government as the rationale for the almost bloodless coup.

The military Government suspended portions of the 1979 Constitution, most significantly those guaranteeing such features of democratic process as free elections and the operation of political parties, as well as some provisions guaranteeing fundamental individual rights. The Government promulgated decrees which eroded the protections against such actions as arbitrary arrest and search without warrant. The Government also promulgated a decree which inhibits press freedom. Under the provisions of certain decrees, civilians have been tried by military tribunals.

The highest authority of the Government is the Supreme Military Council, 16 of whose 19 members are military officers. A federal cabinet, which includes military and civilian ministers in almost equal numbers, presides over the executive departments. At the state level, military governors are assisted by executive councils comprised of military and police officers and some civilian commissioners. At the federal and state levels, legislation is promulgated by decree and edict. All decrees and edicts of the military Government are exempted from challenge in any court of law. The judiciary remains intact, but its authority has been limited by the establishment of special military tribunals to try crimes defined by provisions of certain decrees. The Government has the resources of the security apparatus--the Nigerian Security Organization, the police force, and the military services--to maintain and enforce its rule.

Nigeria has a mixed economy. The Government plays a major role in important sectors and guides the economy, but there is a strong market orientation and broad scope for private investment. Private property rights are generally respected. There are indigenization laws which reserve some business areas for Nigerians and require foreign firms to maintain specified levels of Nigerian participation.

Differences of ethnicity and religion among Nigeria's large and exceptionally diverse population have affected the pattern of discrimination. In spite of government efforts to eliminate sex-based discrimination, women are subject to a number of discriminatory legal provisions, suffer unequal treatment in employment, and are considered socially inferior. At the same time, women play a key role in local economic affairs, exert influence through women's councils, and have an impact on society in education, culture, and youth affairs.

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

There is no evidence of killings for political motives. No former office holder or politician ousted by the military

Government and tried by military tribunals has received the death penalty. However, a number of people were killed in February's religious disturbances in Yola when the army used artillery against areas occupied by rioters. Estimates of casualties vary from 500 to 1800. Nigeria is currently free of local terrorist or insurgent groups which use murder as a form of political action.

b. Disappearance

There are no known instances of politically motivated or government instigated disappearances in Nigeria during 1984. The Government has been suspected of complicity in the attempted kidnapping of a former Nigerian official in London in July but has denied involvement. The trial in London of a Nigerian and three Israelis arrested in the kidnapping attempt was pending at the end of 1984.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

A portion of the Constitution still in effect outlaws torture and the mistreatment of prisoners. Nigerian law provides that such excesses may be dealt with in criminal or civil proceedings. No reports of torture have come to light. There are reports of crowded and austere prison conditions and mistreatment, including police brutality. Under the terms of one of its decrees, the Government has extended the death penalty to a number of crimes including arson, tampering with oil pipelines or electric or telephone cables, illegal import or export of mineral ore, dealing in drugs, illegally dealing in petroleum products, counterfeiting, and armed robbery even when no death or injury occurs. Special tribunals have imposed the death sentence on individuals convicted for drug- and petroleum-related offenses. At year's end, these sentences were awaiting final confirmation by the Supreme Military Council. Another punishment which many consider excessive is 21-year imprisonment for cheating on examinations, tampering with mail, and forgery of checks. The Government has justified these punishments as necessary to restore order and discipline in the society. More than 100 persons have been publicly executed by firing squad for armed robbery.

d. Arbitrary Arrest, Detention, or Exile

The State Security (Detention of Persons) Decree issued by the Government allows the Chief of Staff, Supreme Headquarters, to detain persons suspected of acts prejudicial to state security or harmful to the economic well-being of the country. The Chief of Staff is required to review the case of each person detained under this decree every three months, to determine whether the detention should be terminated or extended. There is no evidence that this requirement is being met. No legal proceedings may be brought against any official for acting in pursuance of this decree. The Government also suspended some constitutional protections against arbitrary arrest and detention, including the right of habeas corpus, the requirement that the detained be informed in writing of the grounds for arrest or detention within 24 hours, and the requirement for compensation and an apology for unlawful arrest or detention. In one case, an American citizen was held for approximately three months before consular access was granted and for approximately nine months before charges were filed.

## NIGERIA

As many as 5,000 politicians and office holders in the ousted government--at the federal, state, and local levels--were ordered to surrender to the police in January for interrogation regarding alleged corruption and abuse of office. Most did so, but a few fled the country. No one was exiled. Most of those who reported to the authorities were admonished not to travel outside their home states. Others were held under house arrest, and about 500 were imprisoned. In October, 250 of these detainees were released after investigations failed to incriminate them. Among the many persons still detained are the former President, Vice President, and Foreign Minister, against whom no charges have been brought. Some detainees' bank accounts were frozen, passports confiscated, houses searched, and documents and currency seized. Arrests and detentions were covered extensively by the press. The detainees were originally permitted visits by family members, but after two or three weeks were held incommunicado.

The military Government does not use forced labor as a means of political coercion or as a sanction against free expression of political opinions.

### e. Denial of Fair Public Trial

Special military tribunals have been set up to try persons suspected of corrupt practices or otherwise contributing to the country's economic adversity. Tribunals on corruption are chaired by military officers, with a justice of a federal or state high court as legal adviser. Tribunals established to try other crimes, such as currency violations, accusations against public officials, arson, import and export of certain goods, destruction of public property, and use or possession of drugs, are chaired by justices of the federal or state high courts, but include military and police officers. The investigating police officer may not serve on the tribunal. All tribunal verdicts are subject to review by the Supreme Military Council, which may confirm, overturn, or reduce the penalties. No appeal or other court challenge to the Supreme Military Council's final decision is allowed.

Trials before special military tribunals have commenced, and some convictions have been handed down. Former office holders convicted on charges of corruption include several state governors, one federal minister, and the Director of the Nigerian Youth Service Corps. Most received 21-year sentences, but some sentences were subsequently reduced.

The Nigerian Bar Association has urged its members to boycott corruption trials because of the presence on the tribunals of members without legal training, the requirement that the corruption trials be held in camera, and the absence of a right of appeal. However, some lawyers have ignored the Bar Association's position and represented the accused. Generally accepted procedural norms appear to be followed by the tribunals. The Government has justified the secrecy of the trials as being in the best interest of the accused because of the likelihood that the press would distort the proceedings. It has privately justified the creation of special military tribunals on the grounds that judicial independence was compromised under the civilian government and the judiciary implicated in election rigging.

Persons charged with crimes not covered by the decrees are tried in civilian courts, which were left intact by the Government's constitution modification decree. The Constitution guarantees a fair public trial in the civilian courts within three months from the date of arrest, though individuals have been held without charge for longer periods. The Constitution also guarantees notification of charges and access to legal counsel. These trials are public and adhere to constitutionally guaranteed individual rights. The Government has assured the judiciary of independence from the executive branch. In capital cases, the Government provides counsel for indigent defendants. In other cases, indigents must rely for counsel on the Nigerian Legal Aid Society, which has limited resources.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Nigerian society is generally free of arbitrary interference by the state in the private lives of citizens. The Constitution modification decree issued by the Government left in force the guaranteed rights to privacy in homes, correspondence, and oral electronic communication.

General surveillance of the population by the state is not practiced in Nigeria. There is no compulsory membership in political organizations, and there is no political enforcement of social, cultural, or religious codes. There has been no forced resettlement of population. Forced entry into homes is not generally permitted without the authorization of the judiciary. However, the Government's decree dissolving political parties authorizes any member of the police force or military to enter any building if there is reason to believe that a political meeting is taking place. The police and members of the Nigerian Security Organization have occasionally entered homes and offices without warrant when seeking evidence of corruption.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

While the constitution modification decree left intact the provisions of the 1979 Constitution guaranteeing freedom of expression and the press, the Federal Military Government did issue a decree in March which has tended to inhibit full expression of opinion. The decree makes it an offense for any person to "publish in any form, whether written or otherwise" a statement, rumor, message, or report which is false or which "is calculated to bring the Federal Military Government or the government of a state or a public officer to ridicule or disrepute." Three journalists, all from privately owned newspapers, have been convicted under the provisions of this decree. Two of them received one-year prison sentences for writing an article on ambassadorial appointments which the Government said was false. The third was imprisoned and later released for publishing a letter to the editor which a state governor said embarrassed him. A prominent educator and social critic has been held without charge since March. The press decree has restricted investigative reporting and diminished reportorial initiative. Moreover, high government officials have publicly attacked the press, promising to "descend heavily" on those who publish material injurious to the nation. Some media representatives have been called in by the Nigerian Security Organization and advised against certain practices. Government officials, however, have asserted that the Government does not intend to gag the press. In fact, different viewpoints on issues are still aired, including criticism of government actions and policies, particularly in privately owned newspapers.

There is no direct government censorship of the media, but the federal and state governments exercise some control over semi-official media through appointments of board directors and top executives.

The print media include privately owned and state-owned publications. The Federal Government owns 100 percent of one large daily newspaper and 60 percent of another. Most state governments own a daily newspaper responsive to the military governor. There are several privately owned newspapers, with wide circulation. There are no restrictions on ownership of other forms of print media. The Constitution reserves the right to own and operate radio and television stations to the state and federal governments. There is no book censorship by the Government, but book publishers are subject to the same laws that govern the print media, including the decree on publishing material that subjects public officials to embarrassment.

### b. Freedom of Peaceful Assembly and Association

The Government has banned political parties and authorized the head of state to dissolve any other group which has objectives similar to a political party.

The Constitution's guarantees of freedom of peaceful assembly and association for non-political purposes are generally respected for most of the thousands of private organizations and associations, whether legally registered and incorporated or not. The Government has, however, specifically banned the National Association of Nigerian Students, and, in August, broke up a meeting of Association members, arresting ten.

Nigeria has 42 industrial unions affiliated with a single national labor center, the Nigeria Labor Congress, plus independent professional unions and senior staff associations. Membership of the Congress's affiliated unions has declined, in the face of deep employment cutbacks in the public and private sectors, from an estimated three million to perhaps one or two million. The Nigerian Labor Congress and its affiliated unions are independent of the federal, state, and local governments and have democratically elected leaders.

Additional industrial unions may be formed by applying to the Federal Government's registrar of trade unions for certification. Since the merger by law in 1978 of the country's previous national labor centers, any new union must become a member of the Nigeria Labor Congress and must therefore conform with the requirements of both the Federal Government and the Nigeria Labor Congress to avoid conflicts of jurisdiction with existing unions. Supplementary organizations are sometimes tolerated but are not recognized as trade unions. Since 1978, the Nigeria Labor Congress has been obliged to confine its formal international affiliations to the United Nations' International Labor Organization and the Organization of African Trade Union Unity. Many individual Nigerian unions, however, retain informal ties with either the Prague-based World Federation of Trade Unions or the Brussels-based International Confederation of Free Trade Unions. Industrial trade unions have the right to strike as long as they conform to laws governing strike notifications and the mediation/arbitration activities of the Government. The Government's commitment to honor unions' right to bargain collectively has come into question with an official Ministry of Labor suggestion to the Nigeria Labor Congress that its unions suspend collective bargaining negotiations for one year "to minimize the effects of the current economic position on industrial relations." Nigeria has ratified ILO Conventions 87 (Freedom of Association and Right to Organize) and 98 (Right to Organize and Collective Bargaining).

Nigerian trade and professional groups are guaranteed the right of association by the 1979 Constitution. They may gather peacefully at any time and may conduct their activities on a national basis and with international bodies as they please. They are required to register with the Ministry of Commerce and Industries.

### c. Freedom of Religion

Constitutional provisions of freedom of religion, religious practice, and religious education are generally observed throughout the country. Places of worship are established freely. No restrictions are placed on numbers of clergy trained. Links with coreligionists in other countries are maintained. Religious travel, including the Hajj, is permitted and officially supported. Missionaries and foreign clergy are permitted to enter Nigeria but are not encouraged.

Nigeria's population is approximately one-half Muslim and more than one-third Christian, with the remainder having primary attachment to traditional beliefs. Interreligious marriages occur frequently. Polarization between Christianity and Islam most often occurs where a "religious difference" is associated with geographic or ethnic differences. Islam and Christianity compete for converts and influence throughout much of the country, especially in the belt of states between the predominantly Muslim north and the predominantly Christian south. There were no significant incidents between the two communities in 1984. Despite the religious dominance of Islam and Christianity, non-Muslim/non-Christian minority communities generally live throughout the country under peaceful conditions.

In 1982, the Government banned the Muslim Maitatsine sect after charging that the movement violated Nigeria's criminal laws. In February 1984, the Government used police and the army to quell a disturbance by the Maitatsine sect in Yola. The governments of the northern states have sought to restrict or license self-styled Muslim teachers or itinerant preachers who were believed to be propagating heterodox Islamic doctrines or practices. This is the only publicized case of the proscribing of a religious sect in Nigeria, but there are constitutional prohibitions against "secret societies," some of which have had traditional religious overtones.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution entitles Nigerian citizens "to move freely throughout Nigeria and to reside in any part thereof." The same provision states that "no citizen of Nigeria shall be expelled from Nigeria or refused entry thereto or exit therefrom." In general, these provisions have been observed. However, in 1984, several former office holders and politicians were restricted to their home states during investigations into their assets and activities. Some of the persons detained and subsequently released are still not permitted to leave Nigeria and must report twice a month to the Nigerian Security Organization and once a month to an assets investigation panel. Police checks on streets and highways hinder but do not block travel. The Government has succeeded in reducing the frequency of bribes being demanded by policemen at internal check points.

The ease of foreign travel has been affected by stringent Government restrictions on the amount of Nigerian currency that may be converted for use outside the country and by the Government's policy of issuing new passports only to students or to persons going abroad for official business or emergency medical treatment. However, Nigerians continue to travel in large numbers, and many thousands are studying abroad. Exit visas are not required to leave the country.

No known penalties have been levied on Nigerians who have emigrated, settled abroad, or acquired another nationality. However, naturalization in another country is automatically expatriating under the provisions of the Constitution.

Nigerian law and practice permit temporary refuge and asylum in Nigeria for political refugees from other countries. Nigeria has granted temporary settlement to some and assimilated others. Nigeria supports and cooperates with the work of the local office of the United Nations High Commissioner for Refugees. However, it has, at times, periodically deported illegal immigrants to their countries of origin.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Nigeria is ruled by a military group which seized power on December 31, 1983, and established the Federal Military Government. The Government suspended constitutional provisions concerning elected government and banned all political parties. Leaders of the Government have said they consider military rule temporary, but believe it is too early to consider returning to civilian rule. The leaders of the Government, who are primarily officers of the military and police forces, are not limited to one ethnic, religious, or geographic group. There are no women in the federal ruling bodies. There are, however, women commissioners--heads of executive departments--in some state governments. The civil service, in which women are a minority, remains in existence.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

Although the military rulers have abolished democratic government, Nigeria continues to be a relatively open society. Nonetheless, it has conducted many of its trials before military tribunals in camera. Amnesty International reported in July that it had repeatedly requested a visa for an observer of the tribunals, but had received no response from the Nigerian Government. Amnesty International also reported it had appealed to the Nigerian authorities for the immediate and unconditional release of individuals it had identified as "prisoners of conscience."

Within Nigerian society, a Human Rights Committee of the Nigerian Bar Association specifically concerns itself with monitoring the domestic situation. The Nigerian Bar Association has spoken out against the composition of some of the Government's military tribunals and has recommended that lawyers boycott them. The Government has not taken any action against the Association for this stand. As a measure of the Government's tolerance of such criticism, it accepted an invitation to address a Nigerian Bar Association conference to explain and defend its actions. Freedom House rates Nigeria "not free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

During the past year, Nigerians have had to adjust to reduced petroleum revenues, steep inflation, and a decline in economic activity. The most visible economic hardship in Nigeria is found in the urban slums. Nigeria is experiencing the classic developing country syndrome of rural-urban migration. Particularly affected has been the capital, Lagos, where the inadequate facilities for water, electricity, housing, and other services have been overwhelmed. Poor urban dwellers face high unemployment, squalid living conditions, rising costs, and serious crime. Although detailed statistics are not available on unemployment, thousands of workers in the public and private sectors have been laid off and many schools have closed. Some unemployed are beginning to return to their villages to resume farming.

The World Bank estimated Nigeria's population in 1984 to be 88 million. An estimate of 100 million is widely accepted in Nigeria. According to World Bank figures for 1984, Nigeria's rate of population growth is 3.4 percent, life expectancy at birth is 50.5 years, and infant mortality is 131.7 per 1,000 live births (a figure considered low by many rural medical workers and some international organizations). According to the World Bank, the primary school enrollment ratio in 1979 was 87.3 percent, more than double the figure of a decade earlier. Adult literacy was estimated by the World Bank in 1980 at 34 percent. There is virtually no starvation in Nigeria. Although a poor 1983 harvest affected food supplies into 1984 and economic difficulties created periodic shortages of imported foodstuffs, the people generally appear to have been adequately fed. According to the World Bank, the average Nigerian in 1977 received 97.8 percent of the daily nutritional requirements. Nevertheless, as in most developing countries where statistics are uncertain, the possibility of malnutrition cannot be dismissed. The World Bank in 1982 estimated per capita Gross National Product (GNP) in current dollars at $863. This figure has probably declined in the last two years. The per capita GNP figure can also be misleading, as oil exports account for most of the country's revenue, and a large part of the rural population is only marginally involved in Nigeria's cash economy.

The Federal Military Government has explicitly repudiated the former government's educational policies, stating that an excessive portion of Nigeria's resources had been devoted to education at the expense of other development goals. The policy of rapid expansion of educational facilities has been reversed. The 21 federal universities have been reduced to 16, and all private universities have been closed. Plans for additional state universities have been dropped. The number of polytechnical colleges has been reduced, and numerous secondary and primary schools have been closed or merged. The commitment to universal free education has been modified, with almost all states imposing some fees on secondary students. Federal subsidies for room and board have been abolished, resulting in cost increases of 300 to 500 percent for all students.

The status of women in Nigeria involves a complex of economic, legal, and social factors. Women are regarded as inferior to men in virtually all fields. Discrimination in employment is common. Benefits and services-- travel allowances for dependents, medical benefits and housing allowances, for example--are sometimes denied to women employees. There is no legal recourse to this discrimination because the principle of equal treatment is not enshrined in Nigerian law. Nevertheless, women are neither powerless nor without representation in government, business, the media, and education. Women have economic power and exert influence either through women's councils or through their family connections. Women in southern Nigeria are the principal managers of the market economy in the villages. Women have their greatest impact on society in education, culture, and youth affairs. Women faculty members are present in many university departments, and women fill many mid-level positions in federal and state ministries of education. There has been a dramatic increase in the number of women with university degrees and in the number who have become professionals, including teachers, lawyers, doctors, judges, senior civil servants, media figures, and business executives. There had not, however, been a commensurate increase in their presentation in the political field before the advent of military rule.

Women are subject to a number of discriminatory legal provisions which vary from state to state. Although a woman keeps and controls her own wealth after marriage, her husband is still head of the household. Husbands can, for example, prevent their wives from obtaining employment or passports in many states. A woman may be arrested for leaving her husband. Fathers have superior legal authority over children. For example, a woman cannot take her child out of the country without the father's consent, but a father does not require the consent of the mother. In many states, a widow is prohibited from inheriting her husband's property, which in the absence of children usually reverts to the husband's family. Property acquired jointly may be taken from the wife and passed to their children or the husband's family. Husbands are not legally responsible for wives' debts.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: NIGERIA

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL | 0.0 | 0.0 | 0.0 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 0.0 | 0.0 | 0.0 |
| A.AID | 0.0 | 0.0 | 0.0 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 0.0 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.) | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE | 0.0 | 0.0 | 0.0 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 0.0 | 0.0 | 0.0 |
| TITLE I-TOTAL | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL | 0.0 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST | 0.0 | 0.0 | 0.0 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 0.0 | 0.0 | 0.0 |
| PEACE CORPS | 0.0 | 0.0 | 0.0 |
| NARCOTICS | 0.0 | 0.0 | 0.0 |
| OTHER | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL | 0.0 | 0.0 | 0.0 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL | 0.0 | 0.0 | 0.0 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 0.0 | 0.0 | 0.0 |
| OTHER US LOANS | 52.1 | 0.0 | 0.0 |
| EX-IM BANK LOANS | 52.1 | 0.0 | 0.0 |
| ALL OTHER | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL | 314.1 | 133.2 | 482.9 | 2864.6 |
| IBRD | 314.0 | 120.0 | 438.0 | 2569.3 |
| IFC | 0.0 | 0.0 | 4.9 | 27.2 |
| IDA | 0.0 | 0.0 | 0.0 | 35.3 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 9.6 |
| UNDP | 0.1 | 1.5 | 0.0 | 85.2 |
| OTHER-UN | 0.0 | 11.7 | 0.0 | 48.0 |
| EEC | 0.0 | 0.0 | 40.0 | 90.0 |

# RWANDA

Rwanda is a one-party state. The present Government came to power in a non-violent coup in 1973 and has since been confirmed in office by two uncontested elections. Rwanda's President, Major General Juvenal Habyarimana, is also the founder of the single party, the National Revolutionary Movement for Development. Government policy is set by the President in consultation with the party's Central Committee and the Council of Ministers. Laws are adopted by the National Development Council (the legislature), which was established in 1982. In December 1983, President Habyarimana, the sole candidate, was reelected along with a new slate of deputies. Although all of the legislative candidates had to be approved by the party, the race was open to almost all who chose to run.

Rwanda's pre-independence traditional feudal society, dominated by the Tutsi ethnic group (10 percent of the population, according to the 1978 census), was transformed in 1959 by a revolution of the majority Hutu (89 percent of the population) into a society with a stronger emphasis on individual rights. An ethnic majority government confirmed these internal changes at independence in 1962. During the next decade, Hutu efforts to redress the social, economic, and educational imbalance led to division and corruption among Hutus and sporadic ethnic strife. This gave rise to the coup d'etat which brought President Habyarimana to power.

In 1984, a cabinet reshuffle brought into office a new Minister of Justice, one of whose tasks has been to implement the commitment to human rights enunciated by the President in his inaugural address on January 8. Measures included a general amnesty of several thousand "common law" prisoners, a tightening up of pre-charging detention regulations, removal of the security officers responsible for abuses in 1983, and a program of prison reform.

Most Rwandans are poor rural farmers. There is little industry, and imports are expensive because of high transportation costs. Nevertheless, Rwandan economic development has managed to keep pace with the country's 3.7 percent population growth rate. A new National Labor Organization was launched in 1984.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

There were no reports of politically motivated killings or summary executions in Rwanda in 1984.

#### b. Disappearance

Unexplained disappearances have not occurred in recent years. Arrests are made openly, and all trials except those for national security cases are public.

## RWANDA

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

While torture is not specifically proscribed by law, the Constitution states, "The human person is sacred: its inviolability is assured." Following the beating of three women in a hotel in late November 1983, the Government undertook an investigation, at the end of which they discharged the police officers responsible.

Corporal punishment is not permitted. Prisoners receive equal treatment but neglect, overcrowding, and inadequate guard training have rendered prison conditions generally poor. A new prison with better facilities has been opened near Kigali, which should help improve the situation. The new Minister of Justice has made the improvement of the prison system his first priority. All classes of prisoners may now have monthly visits by their families.

### d. Arbitrary Arrest, Detention, or Exile

Except for suspects caught committing crimes, arrests normally occur with the service of a warrant following investigation. Except in rare cases where the defendant is not available, charges must be formally stated in the defendant's presence within five days of arrest. Failure to meet that provision is grounds for dismissal of the charges. Under preventive detention provisions, however, persons may be held for 30 days. At the end of that period, a judicial review is mandatory. If warranted, the detention can be prolonged indefinitely in 30-day periods. These provisions have not been invoked during the past year. Detainees may appeal their incarceration, and the appeal must be heard within 24 hours by a competent judicial authority. There have been no known exceptions to the legally mandated warrant procedures and no detentions for political offenses in 1984.

### e. Denial of Fair Public Trial

Although all defendants are constitutionally entitled to representation, a shortage of lawyers makes it difficult for the accused to prepare an adequate defense. Family and other non-professional counsel is permitted.

The judiciary is statutorily independent and expected to apply the penal code impartially, but the President names and dismisses magistrates. New laws in January 1982 strengthened somewhat the independence of the judiciary by improving the nominating process and more closely defining the exercise of judicial functions and the promotion and discipline of judicial personnel. Rwanda has three separate court systems to deal with criminal/civil, military, and state security cases. All but security cases may ultimately be appealed to the court of appeals. A separate state security court has original jurisdiction over treason and other national security charges. In previous years, some cases tried before this court have resulted in innocent verdicts.

Amnesty International adopted 24 prisoners of conscience in 1983. These prisoners had been arrested in 1980 and inter alia convicted of distributing tracts which criticized senior government officials. In 1984, 16 of these prisoners were released.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Rwandans are subject to some interference in their private lives, following practices inherited from the former monarchy which ruled the country for several hundred years. Police are normally required to have warrants before entering a private residence. Using the pretext of checking required documentation, police authorities can gain unwarranted entry into homes. A person can move out of his home commune only with the permission of the mayor of the commune into which he wishes to move; the Government can bar a person from specific employment, but not all employment; and people must carry identification cards. On the other hand, there is no evidence of the monitoring of private correspondence, and the receipt of foreign publications is permitted. There is no interference with the right to marry or have children as one chooses.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Freedoms of speech and press are guaranteed by law, but public criticism of the Government is conspicuously lacking. This is probably due as much to the tradition of respecting authority, which became engrained in the national character during the long history of the now defunct monarchy, as from fear of sanctions. Some members of the National Development Council have criticized government policies and practices from the floor of the Council. Candidates in the December 1983 legislative elections were prohibited from expressing private opinions or advocating policies at rallies, which are carefully focused by party officials upon party doctrine. No private campaigning was permitted.

Radio broadcasts, a daily press bulletin, and a weekly newspaper are produced by the Government. Two Catholic Church publications sometimes print muted criticism of political and economic conditions. Such criticism is tolerated and occasionally even encouraged by the Government. There is no record of any journalist having been arrested for what he has written. The Government has cautioned the press, however, to avoid what it regards as "harmful" criticism of leaders and maintains that the press should devote its efforts to "promoting development." Books and imported publications are not censored, and academic freedom is respected. Faculty members at universities can conduct research and draw conclusions as they see fit.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly is limited. There have been no public meetings or demonstrations to express overt opposition to government policies. The Government permits private associations, but requires that they be registered and accorded legal recognition before they may function.

The Constitution guarantees the right to unionize and strike, and in August 1984 a labor confederation was formed. This confederation is organized under the guidance of the party, which must approve its choice of officers. All member unions of the confederation will have the right to strike, but only with the approval of the executive bureau of the confederation. In the meetings attendant on the confederation's creation, the responsibility of labor to contribute to the development of the nation and to transcend parochial interests of individual workers and trades were recurrent themes. Despite obvious limitations, the confederation will provide a voice for Rwanda labor which has not previously existed. In addition, the Government has permitted seminars on labor issues, organized by unofficial local labor bodies, which receive some support from foreign labor considerations and the International Labor Organization.

### c. Freedom of Religion

Freedom of religion is protected constitutionally and respected in practice. The population is some 70 percent Christian and one percent Muslim, with the remainder following traditional or no religious practices. Eighty percent of the Christians belong to the Roman Catholic Church, but there are active Protestant denominations as well. The Government does not openly favor one religion over another, although the Catholic Archbishop of Kigali is a member of the party's Central Committee, and all but one or two members of the Council of Government are Catholic. The President and other Catholic government and party officials regularly attend special services of all denominations. The Government depends upon church-supported schools for a considerable portion of education in Rwanda (e.g., over 85 percent of secondary schools are church-supported).

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of residence within Rwanda is restricted by laws and regulations, which require people to hold national identity cards and residence and work permits. People who wish to spend more than three days in a commune other than their own are required to obtain permission from the communal authorities where they will be visiting. Property owners who do not require renters to show valid documentation are subject to fines and even imprisonment. "Clandestine" renters are subject to expulsion.

Foreign travel is closely controlled through the granting or refusal of passports, preceded by a security check of each applicant. As a result Rwandans often are denied permission to travel abroad, usually without formal explanation. In addition, a refundable deposit of about $400 is required for each passport issued for unofficial travel. This is ostensibly to cover the cost of any subsequent repatriation, but has the effect of discouraging travel and conserving foreign exchange.

Rwandans may emigrate provided they are properly documented. People who left Rwanda as refugees during the revolution or for other reasons may be repatriated on a case-by-case basis. It is also possible for them to return for short family visits, traveling on a "laissez-passer" from the country of refuge. Family members remaining in Rwanda may also obtain a "laissez-passer" from Rwanda for visits to neighboring countries, without having to go through all the formalities of a passport application. Rwanda's high population density and shortage of land greatly restrict prospects for repatriation and resettlement of refugees. Consequently, although Rwanda recognizes the citizenship claims of some of the over 30,000 refugees forced into the country from Uganda in October 1982, not all of these people have yet been able to leave refugee camps for permanent resettlement in Rwanda.

The refugee camps are well managed and food supplies are adequate. In June, troops fired on a group of refugees who were attempting to organize opposition to the appointment of a block captain. This incident appears to have been a one-time occurrence. The Government will not permit any significant economic activity which would give the camps an aspect of permanency, as long as there is a chance that the Ugandan Government will take some of the refugees back. In early 1983, the Governments of Rwanda and Uganda agreed on a procedure for the definitive settlement of the problem through the determination of citizenship. Although the interviews have been completed, and Rwanda has recognized the citizenship of more than 1,000 of the affected people, Uganda's final adjudication of the 27,000 persons claiming Ugandan citizenship is still pending. The Rwandan Government, the United Nations High Commissioner for Refugees, and other international donors cooperate in operating the camps.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Rwandans have no opportunity to change their government through a free choice of alternative legislative proposals and candidates from opposing parties for public office. The Constitution institutionalizes the Council of Ministers, the legislature, and above all, the power of the President and the party. All policy decisions and nominations of candidates for public office are made by the party, which is the "single political entity beyond which no political activity can be exercised." The party in turn is dominated by its President, who chooses the Secretary General and Central Committee and is the only constitutionally recognized candidate for President of the nation.

Every citizen is automatically a member of the party and theoretically must pay party dues on a sliding scale representing one to two days' pay per year. Delegates are elected and appointed to the governing national congress, which meets every five years, but the essential function of the congress is to endorse the program presented by the party leadership.

Elections for public office are contested only by candidates approved by the party. Elections provide an occasion to confirm rather than change the direction of government. Candidatures for the legislative seats of the National Development Council may be vetoed by the President.

The National Development Council has shown a keen interest in financial questions, suggested modifications to some proposed legislation, and developed specialized committees to facilitate its work, but it has not ventured to initiate legislation on its own. However, when a member of the legislature and former Minister of Social Affairs, Felicien Gatabazi, was accused in 1984 of misappropriation of refugee funds, the Council defeated a government motion to lift his parliamentary immunity. The action became moot at the end of the legislative session, when the immunity lapsed in any case, but the vote showed that some parliamentary freedom of action is possible.

Rwanda's 10 percent Tutsi minority, which dominated the country politically and socially before independence, has been relegated to a minor role in government, civil service, and military in proportion to its numerical representation in the population. Women as yet play a marginal role in political life. Nevertheless, 9 of 70 legislative deputies are women, and there is 1 woman among the 21 members of the party's Central Committee.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

Rwanda participates in African and U.N. human rights activities and has made a concentrated effort in recent years to improve its human rights record. It hosted an international human rights colloquium in 1978, participated in an investigation of human rights in the Central African Republic in 1979, and helped draft the human rights convention of the Organization of African Unity in 1981. Representatives of the International Committee of the Red Cross (ICRC) have made periodic visits to prisons, including Ruhengeri where the Lizinde conspiracy prisoners are held. (Theoneste Lizinde, the former head of the security police, allegedly led a plot in 1980 to overthrow the Government.) In its 1984 report, Amnesty International was concerned about 24 prisoners of conscience convicted in the 1980 conspiracy and other political prisoners who were allegedly subjected to deliberately harsh conditions of imprisonment. However, Amnesty International also noted some improvements in prison conditions during 1983 and that President Habyarimana had asked the Minister of Justice and the Roman Catholic Archbishop of Kigali to investigate allegations of harsh conditions of imprisonment. The results of the investigation were not published, but at least 16 of the Lizinde conspiracy prisoners were released in 1984. There were no reports of requests for outside investigations of alleged human rights violations in 1984. Freedom House terms Rwanda "not free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Rwanda is one of the world's poorest and most densely populated countries (6 million people and 3.7 percent annual growth in 1984). Adjusted gross national product (GNP) per capita has more than doubled since 1970, but still totaled only $261 in 1982. Some 95 percent of Rwandans earn their living from subsistence farms averaging less than 2 acres, and rural income distribution is relatively even. Urban dwellers are marginally more prosperous but suffer unemployment, with wages lagging behind moderate inflation. The right to own property alone or in association is protected. The creation of a National Population Office in 1981 and increasing family planning resources represent an awakening recognition of the need to curtail high population growth.

Rwanda's principal export crop is coffee, which accounts for about 70 percent of foreign exchange earnings and provides the bulk of government revenues. The country has little industry and must pay high transportation costs (which increased 40 percent in 1984) to move goods along a 1,100-mile road and railroad link to the sea via Uganda and Kenya. Real economic growth in recent years has stayed ahead of population growth, but prospects that it will continue to do so in the long term are dim. Rwanda's trade, investment, and banking policies encourage modest private sector economic activity. About 85 percent of Rwanda's small businessmen are Rwandans, and the proportion is growing. Foreign investment is stagnant.

Development goals and projects equally address all regions and population groups. Life expectancy has increased from 41 years in 1968 to about 47 years in 1984, while infant mortality has remained at a level of about 127 per 1,000 live births (1984). In 1977, Rwandans received about 97 percent of their caloric nutritional requirements, and 35 percent of the population had access to safe water in 1976. Adult literacy stood at 50 percent in 1980, and primary school enrollment as a percentage of primary school age children in the population expanded from 49 percent in 1960 to 87 percent in 1981.

The Constitution states, "All citizens are equal before the law, without any discrimination, notably that of race, color, origin, ethnicity, clan, sex, opinion, religion, or social position." However, the requirement that ethnic origin be listed on identity documents helps to insure that informal quotas corresponding to the Hutu/Tutsi ratio in society are not exceeded. Tutsis are employed in all economic sectors, but are better represented in private business than in government.

Women do most of the agricultural labor and have benefited less than men from social development. Despite the language in the Constitution, women's rights to property are limited, and they are not treated on the same basis as men in divorce proceedings. Moreover, women have fewer chances for education, employment, and promotion, often because the men in their lives (fathers, uncles, and husbands) prefer them to remain in uneducated traditional roles at home. Family planning services are still inadequate but are improving. There are virtually no day care services for women who have children but wish to work. There are few organizations promoting women's interests, and efforts to establish a national union of Rwandan women within the male-dominated political movement have been unsuccessful.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: RWANDA

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 9.0 | 8.6 | 12.8 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 9.0 | 8.6 | 12.8 |
| A.AID ................ | 6.5 | 5.3 | 8.3 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 6.5 | 5.3 | 8.3 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 2.4 | 3.2 | 4.4 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 2.4 | 3.2 | 4.4 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 2.4 | 3.2 | 4.4 |
| E.RELIEF.EC.DEV & WFP. | 0.3 | 0.4 | 0.4 |
| VOL.RELIEF AGENCY..... | 2.1 | 2.8 | 4.0 |
| C.OTHER ECON. ASSIST... | 0.1 | 0.1 | 0.1 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.1 | 0.1 | 0.1 |
| PEACE CORPS...... | 0.1 | 0.1 | 0.1 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| | | | |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.1 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.1 | 0.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.1 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| | | | |
| III.TOTAL ECON. & MIL... | 9.0 | 8.7 | 12.8 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 9.0 | 8.7 | 12.8 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 52.8 | 54.2 | 39.6 | 432.4 |
| IBRD | 0.0 | 0.0 | 0.0 | 0.0 |
| IFC | 0.0 | 0.0 | 0.3 | 1.1 |
| IDA | 40.9 | 36.3 | 9.0 | 218.4 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 10.4 | 10.4 | 30.3 | 108.8 |
| UNDP | 1.5 | 5.3 | 0.0 | 33.6 |
| OTHER-UN | 0.0 | 2.2 | 0.0 | 10.3 |
| EEC | 0.0 | 0.0 | 0.0 | 60.2 |

## SAO TOME AND PRINCIPE*

Sao Tome and Principe has been a one-party state since gaining independence from Portugal in 1975. Effective political power is concentrated in the Presidency. The country is composed of two small islands off the West Coast of Africa with a population of about 100,000. At independence, the Movement for the Liberation of Sao Tome and Principe acceded to control of the Government, and Manuel Pinto Da Costa, leader of the political party, was chosen President without opposition by the Popular Assembly, constitutionally the supreme organ of state and highest legislative body. The party reconfirmed him for a second five-year term in 1980.

The Government draws heavily on Marxist-Leninist principles. State control of the means of production (mainly cacao plantations) is the general rule. In practice, freedoms of speech, press, and assembly are circumscribed, and no public expression of opposition to the Government is permitted. All news media are under government control.

All political opposition, whether through political parties or otherwise, is prohibited. Small opposition groups in exile in Portugal and Gabon have thus far shown no evidence of being able to influence events on the Islands. There is no known organized political opposition in Sao Tome itself. The small Sao Tomean army is reinforced by troops from Angola. There are a few Soviet and Cuban military advisors.

The economy of Sao Tome has encountered serious problems in recent years due to the steady decline in cacao exports. This reflects both lower world prices for cacao and serious management problems on the nationalized plantations. The situation became particularly acute in 1983 when poor rains further reduced both cacao and food crops, resulting in serious food shortages. Considerable food assistance from the United States and other Western countries delivered in 1984 has largely solved the immediate problem, but food shortages are expected to recur.

There was no known change in the overall human rights situation in 1984.

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from

#### a. Political Killing

There were no reports of political killings in 1984.

#### b. Disappearance

There were no reports of abductions or secret political arrests in 1984.

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*There is no American Embassy in Sao Tome. Information on the human rights situation is therefore limited.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

No reports of such abuses were received in 1984.

### d. Arbitrary Arrest, Detention, or Exile

There have been reports that at least eight Sao Tomeans were arrested early in 1984 and detained without trial because of public criticism of the Government. These include individuals detained for expressing open dissatisfaction with the Government's handling of the food situation. The reported arrival of anti-government tracts in Sao Tome in late 1984 led to the cancellation of a number of exit permits and possible imprisonment of those held responsible. Otherwise, there have been no reports of groups of people being detained since late 1982 on the Island of Principe. An estimated 100 people may have been imprisoned without trial.

### e. Denial of Fair Public Trial

The Constitution does not address the right of public trial, although there have been instances of public trials of individuals accused of common crimes in recent years. Criminal trials are occasionally reported by the local media. To date the only political prisoners who were given trials were those accused of coup-plotting in 1977. In those trials and in criminal trials since that time, the accused were assigned counsel by the Government. There is no tradition of independent defense counselors; common criminals are given a hearing and sentenced by a judge.

### f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

Because of Sao Tome's geographic isolation and small population, the Government does not have a highly intrusive security system to detect opposition opinion. However, the Government's loosely organized system of informers and monitoring of individual participation in the activities of the Country's sole legal political party insure that potential dissidents are identified.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The security services are alert and quickly react to public expressions of opposition or dissatisfaction with the Government. The only Sao Tomean media are organs of the Government, consisting of one television station which broadcasts two days per week, a radio station which carries music, government-prepared news releases, and instructional programs, and a weekly two-to-four page newspaper of government-prepared news releases. There are no foreign wire service items other than occasional items from Soviet and Angolan sources. Sao Tome radio also uses Voice of America taped music programs. No public written or oral criticism of the Government is tolerated.

## SAO TOME AND PRINCIPE

### b. Freedom of Peaceful Assembly and Association

Political assembly and activity are legal only within the country's sole political party, the Movement for the Liberation of Sao Tome and Principe. The party exists to encourage popular support for the Government. The sole trade union confederation is affiliated with the party, and workers are prohibited from striking. The union confederation participates in the International Labor Organization and is affiliated to the Organization of African Trade Union Treaty. Virtually all economic activity takes place within the constraints of the government-run economy. Cultural and social organizations are reported to require government approval, which is believed to be easily obtained.

### c. Freedom of Religion

This right is included in the national Constitution. The three religious communities on Sao Tome -- Roman Catholic, Evangelical Protestant, and Seventh-Day Adventist -- are allowed to practice freely. The Government provides some funding for a school and social services center managed by the Catholic church.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The geographic isolation and poverty of the country severely limit foreign travel and emigration. The Government closely controls exit visas for the few people who do travel. Anti-government tracts which appeared in Sao Tome late in 1984 led to the confiscation of a number of exit permits and reported imprisonment of those suspected to be responsible for the leaflets. Almost all trips are for governmental missions or medical evacuations. Domestic travel is not controlled by the Government, but the lack of reliable and affordable air service between the islands limits travel.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Government policy is determined by President Da Costa, in consultation with his key cabinet and security officials. The leadership uses the single political party to consolidate its rule at the local levels, and to assist in selecting candidates for the Popular Assembly. In the circumstances, the citizens have little opportunity to change the Government or to influence its actions. In 1983 there was one "assemblea," a series of mass meetings lasting several days, to encourage popular support for the Government. There were no elections held in 1984. No public expression of opposition to the Government is permitted. There are small exile groups in Portugal and Gabon. Internal security is reinforced by Angolan troops and Soviet and Cuban military advisors.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

In its 1984 report, Amnesty International expressed concern about certain individual Sao Tomeans detained for alleged political activity. Several individuals cited by Amnesty

International have been released, including Albertino Neto, the former chief of the armed forces, who was imprisoned from 1977 until July 1983, when he was one of nine detainees who were given amnesty. However, the extent to which the Government is cognizant of or influenced by international human rights organizations is not known. Freedom House rates Sao Tome "not free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The Sao Tome economy has been based on plantation agriculture, particularly cacao, since the 1800's. At independence, the Portuguese-owned plantations, which occupied 90 percent of the arable land, were taken over by the Government and since then have been operated as state-owned enterprises. The country has encountered major economic problems in recent years due to the steady decline in both the value and volume of cacao exports, which represent 90 percent of total exports. This trend has resulted from a combination of declining world cacao prices and mismanagement of the state-owned plantations. Cacao production, which had reached 10,000 tons in 1975, is believed to have been about 4,000 tons in 1983. The country is dependent on imported foodstuffs, and the lack of foreign exchange in recent years has caused shortages of many staple foods and other consumer products. The situation became particularly acute in 1983 when poor rains intensified the long-term problems. Severe shortages of both imported staple foods and fruits were reported in 1983. Malnutrition was emerging as a problem but, with large amounts of international food assistance sent to Sao Tome in 1984, this now appears to be under control.

The country's per capita gross domestic product, which has been estimated as high as $450 in the late 1970's, declined to $365 in 1982 and is believed to have dropped to about $260 in 1983 as a result of the steady deterioration of the economy. The Government has made a major effort to improve social and educational services. Literacy is about 50 percent and an estimated one-third of the student-age children are in school. Infant mortality statistics were reported as 63 per 1,000 births in 1984, Life expectancy at birth for 1984 was 65.6 years. The Government states that it provides free basic medical care and medicine to all citizens but reliable statistics to support the Government's contention are not available. There have been no indications of discrimination by sex or religion in the allocation of economic or social benefits under government programs in Sao Tome & Principe.

Women have constitutional guarantees of equality, and several were active in public life. One senior official, the Minister of Foreign Affairs, is a woman. Cultural factors, rather than legal or political restraints, limit the actual participation of women in the government. The Sao Tome population is relatively homogeneous, and there have been no reports of a policy discrimination on a tribal or regional basis among Sao Tomean citizens. As energetic outsiders, Cape Verdeans in Sao Tome do suffer some informal discrimination. Members of the Islands' small educated class appear to enjoy advantages in government employment possibilities.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
## (U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: SAO TOME AND PRINCIPE

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 0.1 | 0.2 | 1.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.1 | 0.2 | 1.0 |
| A.AID ................ | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 0.1 | 0.2 | 1.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.1 | 0.2 | 1.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.1 | 0.2 | 1.0 |
| E.RELIEF.EC.DEV & WFP. | 0.1 | 0.2 | 0.5 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.5 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 0.1 | 0.2 | 1.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.1 | 0.2 | 1.0 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 0.0 | 0.3 | 0.2 | 11.1 |
| IBRD | 0.0 | 0.0 | 0.0 | 0.0 |
| IFC | 0.0 | 0.0 | 0.0 | 0.0 |
| IDA | 0.0 | 0.0 | 0.0 | 0.0 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.2 | 8.9 |
| UNDP | 0.0 | 0.3 | 0.0 | 1.8 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 0.4 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

# SENEGAL

Senegal, which attained independence from French colonial rule in 1960, is a republic with a democratically elected President and a unicameral Parliament. Abdou Diouf acceded to the Presidency when former President Leopold Senghor retired in January 1981; Diouf was elected in his own right in freely contested elections in February 1983. A new Parliament was elected at the same time; the Socialist Party, of which President Diouf is Secretary General, won 111 of the 120 seats. While the Senegalese Government defines the country's economy as socialist--and the Socialist Party is a member of the Socialist International--the private sector plays an important role. Private sector participation in agriculture, on which the Senegalese economy is based, is being encouraged.

Senegal has longstanding democratic traditions which predate independence, and there is wide public interest in, and debate on, political matters. The post-independence political scene has been dominated by the Socialist Party, but Senegal is a multi-party state and has 15 legal political parties.

The Senegalese military has a reputation as an apolitical and professional organization, respected by the population. The civilian security forces are also generally well trained and disciplined and respect the laws which they enforce. The legal system is active and effective in protecting human rights.

Long- and short-term trends, in the human rights context, remain positive. Some concern raised by opposition party leaders about the fairness of present electoral laws colored the campaign leading into the November 1984 municipal and rural elections, but the opposition admits that the original intent of these laws was to broaden the base of the electorate and remove unreasonable restrictions. Two continuing tendencies which remain potentially worrisome for their effect on the human rights climate are the growth of Islamic fundamentalism and the increase in the crime rate. However, there were no credible reports of human rights violations in 1984. The Government, which has a designated senior official at the Presidency to follow human rights matters, has encouraged the work of Dakar-based human rights organizations in organizing conferences and other human rights activities in Africa. The Government of Senegal has given official sanction and the promise of some material support to the holding of a second World Congress on Human Rights in Dakar in June-July 1985.

## RESPECT FOR HUMAN RIGHTS

## Section 1 Respect for the Integrity of the Person, Including Freedom from:

### a. Political Killing

There is no evidence of any instances of killings at government instigation or for political motives.

### b. Disappearance

There have been no reports of abduction of individuals by official, quasi-official, opposition, or vigilante groups.

## SENEGAL

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Government officials in Senegal generally respect the constitutional provision that the person is sacred and will be protected by the state, and they adhere also to the section of the criminal code prohibiting physical abuse. There have been, however, reported instances of the use of force by lower level police officials in the interrogation of suspected criminals. Prison conditions are characterized by overcrowding and sparse victualing--direct results of Senegal's serious economic difficulties. Harsh prison conditions are to some extent alleviated by the access to prisoners by clerics, friends, and families who are permitted to provide amenities.

### d. Arbitrary Arrest, Detention, or Exile

The constitutional prohibition against arbitrary arrest or detention is respected in practice. Persons are not detained, punished, or tried for the expression of views critical or different from those of the Government. The Senegalese legal system is patterned after the French one and does not include habeas corpus. A person suspected of a crime may legally be held without charge for 48 hours after arrest, or up to 72 hours if ordered by a public prosecutor. The limitations of this provision of law are respected, and charges are formally and clearly drawn. Preventive detention is permitted when civil authorities determine that there is a threat of civil disturbance or the person is a danger to himself or others. Some opposition party charges of abuse of the preventive detention provisions of the law were leveled following the December 1983 violent riots in Ziguinchor, the provincial capital of the Casamance. The opposition charged that some detainees, ultimately found to be innocent, were held for several months. The Government held that the violence was so serious and involved so many arrests that the legal processes may have taken longer than usual, but were strictly observed. By law every citizen has access to legal counsel of his choice in every aspect of legal procedure. In practice, persons with means will have private legal counsel, and the law makes provision for public defenders for those without means.

### e. Denial of Fair Public Trial

Senegal follows the French legal system. It has an active, independent, and well-trained judiciary. The judiciary is constitutionally independent of the executive, the legislature, and the military. Court officials are trained lawyers who have completed a number of years of required apprenticeship. Trials are open to the public, and defendants have the right to a defense counsel, many of whom are often very skilled and aggressive in the protection of their clients. Ordinary courts hold hearings which are presided over by a panel of judges and, in the case of criminal charges, include a jury. There are three other categories of courts: the High Court of Justice, the Security ("political") Court, and the military courts.

The High Court of Justice was created for the sole purpose of trying high government officials for treason or for malfeasance. This court has not been convened since the early 1970's. The Security (or "political") Court consists of a judge and two assessors. It has jurisdiction over cases referred to it by the Government when it is suspected that a crime has been committed for a political motive. The Court was activated following December 1982 demonstrations and riots in the Casamance provincial capital of Ziguinchor. The demonstrators' goal was the secession of the Casamance, and foreign instigation was a suspected factor. In December 1983, even more violent riots occurred, and over 100 arrests were made in Ziguinchor and the surrounding area. The security court released a large number of the arrestees on bail, or put them on probation, after both sets of incidents. Sentences passed on those judged guilty consisted of jail terms ranging from a few months to several years.

The military court system has jurisdiction over offenses committed by members of the armed forces during peacetime (in wartime, courts martial could be convened). Civilians may not be tried by military courts.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Senegalese Government bureaucracy, patterned after the French system, is highly centralized and requires of Senegalese citizens a fairly extensive amount of documentation for purposes of education, obtaining social security benefits, etc. The intent, however, is not coercive and there is otherwise little governmental interference in the private lives of Senegalese citizens. There is no coercion to join a particular political party or to participate in political demonstrations. A wide variety of political expression is evident and not subject to government restrictions other than those relating to public order. There is no evident pattern of monitoring the private written or oral correspondence of Senegalese citizens. In the past, foreign publications containing materials considered slanderous to Senegalese officials have not been permitted to be sold, but there have been no reported instances of such bans since 1979. There are constitutional and legal safeguards against arbitrary invasion of the home which are considered inviolable. Search warrants are required and may be issued only by judges and in accordance with procedures established by law. There is no evidence that public security forces do not respect the law in this regard.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Senegal enjoys freedom of speech and press in theory and in practice. The Constitution guarantees the right of each individual to express and disseminate his opinions freely. There are several regularly published newspapers and magazines and a number of publications which appear sporadically, reflecting a broad range of opinion from religious-conservative to Marxist-Leninist. The country's most professional and informative newspaper is controlled by the majority Socialist Party and therefore tends to support government policies. Articles critical of government policies and officials, however, regularly appear even in this newspaper. Other publications are sometimes vociferously critical of the Government. Academic freedom is enjoyed without hindrance by the schools and the country's sole university.

Television and radio stations are owned by the Government; thus the Government can control what is broadcast. However, coverage is given to the activities of opposition political parties.

## b. Freedom of Peaceful Assembly and Association

Senegalese freely and frequently exercise their constitutional right to assembly. Demonstrations or protest meetings against government policies are closely monitored by the security services to ensure that public order is not unreasonably disturbed. In late September 1984, the first known instance in recent years of government refusal to permit an assemblage by opposition political parties occurred in Dakar. A meeting called by seven extreme leftist parties to protest price rises on certain consumables was initially approved by the Government, but later cancelled. The Government's action was legal, and the potential for disturbances existed, but it was highly unusual.

Both the major trade union confederation, which is a governmental organization, and the small independent trade unions play an important role in the society and economy of Senegal. Trade unions are free to organize, negotiate, and strike; less than 25 percent of the labor force is organized. The trade union confederation is entitled, by law, to two ministerial posts, but no longer accepts these positions because of potential conflict of interest. In the past, the Government has used its connection with the confederation as a useful means of informing workers of government policies, gaining better understanding of worker grievances, and ensuring that strikes are legal and staged for significant reasons. Severe infighting between two rival factions of the confederation in 1984 did some damage to its relations with the Government and to the confederation's effectiveness with its membership. The smaller independent trade unions function freely without a direct government link. Union activity in Senegal has been mainly focused on economic and work-related issues.

Economic concerns intensified in 1984 as wages remained relatively stagnant while prices continued to rise. The International Labor Organization maintains a regional office in Senegal.

## c. Freedom of Religion

Senegal is constitutionally a secular state, and freedom of religion is a legal right which exists in fact. Islam is the religion of upwards of 85 percent of the population. Other religions, primarily Catholicism, are freely practiced. Missionary activity is permitted, and foreign Protestant missionaries are active in several regions of the country. Conversion is permitted; there is no discrimination against minority religions; and adherence to a particular religion confers neither advantage nor disadvantage in civil, political, economic, military, or other secular status.

## d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Senegalese Constitution states that all citizens of the republic have the right to move and establish themselves freely anywhere in Senegal, a right that is respected in practice. In 1981, the Government abolished a requirement for exit visas to travel outside Senegal. There is no restriction on emigration, or sanctions, official or otherwise, against intending emigrants. Repatriates are not officially disadvantaged on return to Senegal. The U.N. High Commissioner for Refugees (UNHCR) regional office in Dakar recognizes and assists about 5,000 persons as refugees. There have been no known cases of refugees being forced to return to countries from which they have fled or in which they fear persecution. Senegal is also host to 500,000-600,000 persons from Guinea and Guinea-Bissau, few of whom are recognized as refugees partly because of Senegal's desire to maintain good relations with its neighbors. UNHCR officials believe that many of the Guinean residents plan to return to Guinea since the change of regime there in 1984.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Senegal is a functioning multi-party democracy. There are currently 15 legally registered political parties, ranging from conservative to Marxist and Trotskyite. Presidential and parliamentary elections were last held in February 1983, and rural and municipal elections were held in late November 1984. While there is a long tradition of democracy in Senegal, political life has been dominated by the Socialist Party throughout the post-independence period. This party won by a large majority in the 1983 elections amid some complaints by opposition parties of voting irregularities. While the consensus was that the elections were on the whole free and fair, the largest opposition party maintains that the lack of stricter controls on identification of voters and over voting sites made some of the results questionable.

Senegal has universal suffrage. Women are active participants in the political process, and several parties, including the dominant Socialist Party, have sections promoting women's rights. There are 12 women deputies in the National Assembly and 4 women in President Diouf's cabinet.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

Senegal is a leader among African countries in the establishment and promotion of international standards for human rights practices. It was the original sponsor of the Organization of African Unity (OAU) Human Rights Charter. Senegal is also an active member of the Human Rights Commission. Dakar is the headquarters of the African Bar Association's Institute of Human Rights, an organization which trains lawyers and judges in translating general human rights principles into practical judicial/legal procedures. Senegal hopes to host a second World Congress on Human Rights in Dakar in 1985. The preparatory committee is headed by a prominent Senegalese lawyer. Senegal has not been the subject of human rights investigations by outside organizations. Amnesty International did not include Senegal in its 1984 report. Freedom House rates Senegal "partly free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

During the past few years, Senegal has suffered significant economic reverses. The quality of life has been affected by poor performance in the agricultural sector, which provides a livelihood for over 80 percent of Senegal's population, and a steady decline in the local currency's dollar value has directly affected the economy, despite only modest trade linkages with the U.S. Approximately 40 percent of Senegal's foreign debt and all of its oil and gas purchases are denominated in dollars. Payments on external debt and the energy import bill consume almost the entire amount of foreign currency earnings accumulated annually.

In 1983, drought severely reduced yields of groundnuts (peanuts), Senegal's traditional major cash crop and foreign currency earner. Drought cut back subsistence crop production as well. In 1984, rains were inadequate in many regions of Senegal, and agricultural production was again low. The effects of the second bad harvest in two consecutive years are deeply felt by all Senegalese. Senegal's economic production also lags because of long-term deficiencies in the Government's agricultural policies, including its commodity pricing policy and a reliance on inefficient and ineffective state-owned rural development agencies. If population continues to grow at the annual rate of 3.2 percent (1984) and agricultural production stagnates or falls, the quality of life in Senegal will continue to deteriorate despite the heavy influx of foreign food aid assistance.

An increase in crime resulting from depressed economic conditions could eventually degrade the climate of security based on respect for the law in which human rights have flourished in Senegal.

Due to heavy public sector needs, credit facilities for the private sector are severely limited. After repeated rescheduling of foreign government and commercial debt, international sources of credit have also dried up. The Senegalese Government has remained solvent since 1980 through assistance from bilateral donors and the International Monetary Fund (IMF), and through debt rescheduling.

The Government introduced austerity measures in August 1983, putting a halt to unrestrained budget increases, restricting credit, capping the growth of public sector employment, and reducing government agriculture sector subsidies and principal consumer commodity subsidies. Significant price increases for sugar, cooking oils, rice, and petroleum products occurred in 1983. Cooking oil prices were increased again in 1984, this time by 50 percent, and petroleum prices rose. Following intensive negotiations with the IMF and a further increase in the price of rice, a new standby agreement became effective in January 1985. The belt-tightening measures are having a direct impact on the population at large, and have placed strains on the institutions which have enabled the Senegalese to enjoy broad exercise of their human rights. On the other hand, Senegal's economic progress in the two decades since independence has been sufficiently continuous to provide a certain assurance of stability within the country.

World Bank statistics indicate Senegal provided 95 percent of the FAO-established minimum caloric requirement per capita in 1977. The per capita GNP reached $486 in 1982. Senegal has a road and transportation network capable of quickly distributing imported food supplies in times of acute local shortage. Health conditions have also improved over the past decade. Over a third of Senegal's population now has access to safe water. The number of physicians and nursing personnel per 100,000 population has doubled since 1960. Infant mortality has declined from 159 deaths per 1,000 in the first year of life in 1972 to 103 per 1,000 in 1984. Life expectancy at birth has risen from an estimated 40 years in 1969 to 45 years in 1984. Due to reduced mortality rates and improvements in water supply systems and health care services, the population is increasing at a rapid pace, growing by an estimated 3.2 percent annual rate in 1984 to a total of over 6.5 million people. This rapid growth poses a severe problem for already overloaded public services as surplus population migrates to the urban centers.

The Government is continuing its efforts to increase enrollment in primary and secondary schools and find employment for school graduates. Almost 58 percent of primary school-aged males and 38 percent of females in the same age group are presently enrolled in primary education, and approximately 12 percent of secondary school-aged minors attend school. Adult illiteracy remains high, however, especially in the rural areas.

Traditional values, both societal and religious (chiefly Islamic), have limited women's access to certain types of employment and higher education, thus inhibiting them from obtaining greater prominence in political life. There are, however, no legal hindrances to advancement for women and they are present in respectable numbers in the government and private sectors. Women are prominent among Senegal's intellectual elite, including several professors at the University of Dakar. A number of government ministries employ women in key positions such as the Political Director of the Ministry of Foreign Affairs; several key agronomists, statisticians, and economists in other ministries are women. Senegal also has several active organizations promoting women's rights, including the Federation of Women's Associations which held a two-week conference in March 1984. The Federation has ties to a number of women's groups in Africa and, since 1979, has been a sister organization of the National Council of Negro Women in the United States.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: SENEGAL

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 30.9 | 33.1 | 51.2 |
| LOANS.............. | 7.0 | 7.0 | 0.0 |
| GRANTS............. | 23.9 | 26.1 | 51.2 |
| A.AID ................ | 16.2 | 19.1 | 34.6 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 16.2 | 19.1 | 34.6 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 5.0 | 10.0 |
| B.FOOD FOR PEACE....... | 12.7 | 12.2 | 14.7 |
| LOANS.............. | 7.0 | 7.0 | 0.0 |
| GRANTS............. | 5.7 | 5.2 | 14.7 |
| TITLE I-TOTAL.......... | 7.0 | 7.0 | 0.0 |
| REPAY. IN $-LOANS..... | 7.0 | 7.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 5.7 | 5.2 | 14.7 |
| E.RELIEF.EC.DEV & WFP. | 0.6 | 0.3 | 9.3 |
| VOL.RELIEF AGENCY..... | 5.1 | 4.9 | 5.4 |
| C.OTHER ECON. ASSIST... | 2.0 | 1.8 | 1.9 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 2.0 | 1.8 | 1.9 |
| PEACE CORPS...... | 2.0 | 1.8 | 1.9 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.3 | 0.4 | 2.5 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.3 | 0.4 | 2.5 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 2.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.3 | 0.4 | 0.5 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 31.2 | 33.5 | 53.7 |
| LOANS.............. | 7.0 | 7.0 | 0.0 |
| GRANTS............. | 24.2 | 26.5 | 53.7 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 36.4 | 63.9 | 78.3 | 865.3 |
| IBRD | 0.0 | 0.0 | 0.0 | 158.9 |
| IFC | 0.0 | 0.0 | 3.2 | 36.0 |
| IDA | 19.5 | 32.2 | 62.1 | 348.6 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 2.9 | 12.8 | 13.0 | 59.5 |
| UNDP | 4.0 | 6.7 | 0.0 | 42.3 |
| OTHER-UN | 0.0 | 1.2 | 0.0 | 7.4 |
| EEC | 10.0 | 11.0 | 0.0 | 212.6 |

## SEYCHELLES

The Government of Seychelles, led by President France Albert Rene, took power in June 1977 in a military coup d'etat. The 1979 Constitution abolished all political opposition to the socialist ruling party, the Seychelles Peoples' Progressive Front. This Constitution does not guarantee fundamental human rights but states them in a preamble as the intention of the people of Seychelles.

The Government has faced security threats in the past from its opponents living in Australia, the United Kingdom, and South Africa. Government forces repulsed a group of mercenaries who attacked Seychelles in November 1981. An internal mutiny by some members of the armed forces in 1982 was also put down with the assistance of Tanzanian troops then in Seychelles. In 1984 all Tanzanian troops were removed by mutual agreement, but there are an estimated 100 North Korean military advisors stationed in Seychelles.

The Seychelles economy has, until recently, been almost totally reliant on tourism for foreign exchange. An estimated 65,000 foreigners visited in 1984. Seychelles has actively sought to diversify its economy by granting fishing licenses to French, Spanish, Korean, and Japanese interests. The Government has sought donor assistance to move ahead with a major expansion of the fishing port in Victoria.

The President was elected without opposition to a new term of office in 1984, and he further consolidated power within the single ruling party. Responding to charges both at home and abroad that he was bent on creating a Communist state, the President reiterated his desire that Seychelles maintain a non-aligned foreign policy, and he reaffirmed his commitment to freedom of religion. This year, some 38 persons were charged with unlawful assembly when they sought to demonstrate against the Soviet presence in the country. Their cases have not been resolved although all have been freed on bail. More disturbing was the disappearance of a known dissident in September 1984. Although his whereabouts remain unknown, many believe that his disappearance may have been arranged by persons in the security forces.

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

There were no reported instances of killing for political motives or other instances of arbitrary deprivation of life in 1984.

#### b. Disappearance

The unexplained disappearance of two Seychellois in 1984 has raised serious concern among many elements of the population. In the first instance there is no evidence that the man was involved in political activities. The second, however, was believed by the Government to have been a member of the outlawed opposition movement. His disappearance in September is still under investigation. Many of the Government's opponents, as well as key church leaders, have pressed for more information on this case.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution explicitly forbids torture and there have not been any reports that torture has been utilized. There have been some isolated reports of rough treatment by police in the course of criminal arrests. Demonstrators arrested by the Government in October 1984 report they were well treated without physical or verbal abuse. Prisoners are adequately fed and supervised by professional prison wardens. They are normally incarcerated on isolated islands, although family visits are routinely arranged.

### d. Arbitrary Arrest, Detention, or Exile

In October 1984 four persons were arrested without charge in conjunction with anti-Government demonstrations. Unlike those charged with unlawful assembly, these persons appear to be held under a security act which allows detention without the right of habeas corpus. According to family members, they are well treated but have not been advised of any charges against them. Three of the four were released in November 1984. This detention act, enacted in December 1981 following an attack by mercenaries, has been used sparingly. Police have, however, arrested persons for 24 hours for "questioning" regarding anti-Government activities. Frequently, opponents of the Government have been urged to emigrate, an option many have chosen over the years.

### e. Denial of Fair Public Trial

Seychelles jurisprudence is patterned in large measure on English common law, although there is heavy influence of Napoleonic law, as well. Judges are provided under arrangements with British Commonwealth countries and have exhibited considerable independence from both the executive and legislative branches of the Government. The Chief Justice, however, stressed in two addresses during 1984 that it is the judiciary's responsibility to impose sentences as required by law and that the judiciary should reflect the will of the people as expressed in laws passed by the legislature. Those charged with demonstrating were charged under a former British colonial law which prohibits unlawful assembly (i.e., without a government permit). In 1984 the President remanded a rape case involving members of the armed forces to civilian courts for adjudication. Seychelles law requires that members of the armed forces be tried by court martial unless the President decrees otherwise. This decision was widely hailed as a step forward, since court martial penalties were sometimes seen as too lenient. Defendants in non-political cases have access to counsel and have enjoyed speedy and fair trials.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Seychelles authorities have broad powers of search and seizure without warrant. A new law passed in 1984, the Seychelles Marketing Board Act, allows police to enter any premises, private or public, and to seize any documents which they believe may violate the Act. Unlike 1983 when there were many reported violations of private homes, there were few reports of such actions in 1984. Legislation exists which allows the Government to open mail, domestic as well as international, and it is widely believed the Government does so. Some foreign visitors have complained of surveillance by security forces. Since June 1983 the Government has embarked on a campaign to nationalize private property. Although it has stated that compensation will be paid, negotiations with the previous owners are continuing. The Government claimed at the time the legislation was passed that it intended to use its powers to claim unused agricultural land. Yet there have been four seizures of hotels, as well as private residences.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Although theoretically protected under the Constitution of 1979, freedom of speech is curtailed in practice. Legislation provides for up to three years detention for anyone "who with intent to bring the President into hatred, ridicule or contempt, publishes any defamatory or insulting matter whether in writing, print or word of mouth or in any other manner." Apparently no charges have been brought under this legislation. This same legislation allows a two-year sentence for anyone who "prints, makes, imports, sells, supplies, offers for sale or supply, distributes, reproduces, or has in his possession or control" any publication banned by the Government for security reasons, but again there has been no prosecution under it. The Government has sought to curtail the importation of pamphlets printed by its opposition abroad.

The Government controls the major newspaper in the country, as well as all radio and television broadcasting. The Catholic Church publishes an increasingly lively paper, "Echo Des Isles," which is not subject to government control or censorship. Since the President promised not to interfere with religious expression in September 1984, that paper has published hard-hitting articles which obliquely criticize the Government. The two largest religious denominations in the country, the Roman Catholic and Anglican Churches, are each provided two free hours of uncensored broadcasting each month. Again, in late 1984 both churches have used these broadcasts to comment on social and political issues. Foreign broadcasts are widely listened to and are uncensored. Except for opposition material, foreign publications, including those critical of the Government, have been imported and sold without hindrance.

Persons who seek to mobilize public opinion against the Government, however, run a serious risk of being arrested for "questioning" or can face social and economic harassment. Some who have worked for the Government have been fired without recourse to appeal or review. Others have been encouraged to leave the country either by direct threat or through anonymous threats which they believe originate from Government officials. Foreign nationals critical of the Government have been requested to depart.

### b. Freedom of Peaceful Assembly and Association

A law dating from 1959 inhibits the right of peaceful assembly without government permit. Some 38 persons were arrested in 1984 and charged with unlawful assembly when police broke up a peaceful demonstration.

## SEYCHELLES

There is one legal union (the National Workers Union) which is under direct control of the ruling party. It does not function as a free trade union, although it has some limited powers to negotiate wage increases and better working conditions for its members. Legislation was passed in 1983 which restricts an employer from dismissing workers. There has been no official strike in Seychelles since 1977, although 1984 saw a "work stoppage" by stevedores who protested a change in their contract. The issues were handled peacefully and without publicity in meetings between the union, workers, and government. All associations, clubs, and other groups require government permission to organize. The National Workers Union is a member of the Ghana-based, continent-wide, Organization of African Trade Union Unity (OATUU).

### c. Freedom of Religion

There has been no official religious persecution in Seychelles and the President in 1984 publicly reiterated his support for religious freedom. The Roman Catholic and Anglican churches have flourished, and Muslims and Hindus are unrestricted in their religious practices. Seychelles has granted a license for many years to a Protestant radio station which broadcasts throughout Asia and Africa. There is, however, a clear separation between church and state. Religious instruction in schools has been limited, and the church has complained that artificial impediments have made it difficult, if not impossible, for children (ages 14-17) in the National Youth Service to attend church on a weekly basis. Church services are widely attended and are uncensored.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on internal travel. Passports may now be acquired by virtually any citizen, although Seychellois traveling abroad for study at Government expense are required to sign a bond which enables the Government to regain the cost of their education should they fail to return. Such persons who are "bonded" must have Government permission to travel abroad following their return. In 1984 the Government granted a passport to a suspected dissident for emigration to the United States. There are no known cases in which passports are currently being withheld. There are no restrictions on voluntary repatriation for those who accept the present political system.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Since 1979 there has been only one legal political party, the Seychelles Peoples' Progressive Front. All political (and much social) activity is channeled through this institution. President Rene, as President of the country and Secretary General of the party, wields great power and authority. Opponents of the party can neither organize nor express public opposition. The party has a number of regional offices called "branches" which are responsible for organizing and supervising discussion about current government policies. These "branches" are encouraged to report public opinion in their regions, and to report views to the Executive Committee. In fact, such discussions do not often result in policy changes, which are directed from above.

## SEYCHELLES

Presidential elections were held in 1984. President Rene, in an effort to overcome a move by his opponents to boycott the uncontested election, threatened that persons who failed to register ran the risk of losing certain benefits and privileges they enjoyed as citizens of Seychelles. The President received over 90 percent of those casting valid ballots.

### Section 4 Government Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

Since 1983 there have been no requests or inquiries regarding human rights in the Seychelles. Amnesty International states it did not have sufficient information to allow an entry on the Seychelles in its 1984 Report. Freedom House rates the Seychelles "not free."

### ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Seychelles enjoys a relatively high standard of living for an underdeveloped country. Per capita GNP in 1982 was $1,485. Free health services of a high standard are available to all persons. Infant mortality is 19.4 per thousand, one of the lowest in Africa. Life expectancy [69.9 years] approaches that found in many West European countries. Free universal education is available for all children, and in the case of academically qualified students, a minimum of 13 years education is provided by the state. Recent changes in the National Youth Service, a two-year program which is virtually compulsory for all children ages 14-16, have emphasized the importance of academic training. Children are now granted one weekend leave per month, a move designed to dampen parental concern that the influence of the family is being diminished in the program.

The status of women in this essentially matriarchal society is high. Women have the same legal, political, economic, and social rights as men. Although there are no women currently serving in the Council of Ministers, many senior officials up to and including the rank of Principal Secretary are women.

Nutrition requirements of most Seychellois are easily met through an abundance of food available throughout the country. Seychelles has the highest per capita consumption of fish in the world, a diet amply supplemented by a variety of fresh fruits and vegetables. Unemployment remains a serious problem, although the Government has emphasized development plans which are as labor intensive as possible. A "full employment scheme" also provides manual labor for anyone who desires to work at a rate set by the Government. The Government remains the largest employer in the country. Some persons who are believed by the Government to oppose its policies have found it difficult to gain employment.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: SEYCHELLES

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 2.4 | 2.4 | 2.5 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 2.4 | 2.4 | 2.5 |
| A.AID ................ | 2.0 | 2.0 | 2.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 2.0 | 2.0 | 2.0 |
| (SEC.SUPP.ASSIST.)... | 2.0 | 2.0 | 2.0 |
| B.FOOD FOR PEACE....... | 0.3 | 0.3 | 0.3 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.3 | 0.3 | 0.3 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.3 | 0.3 | 0.3 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.3 | 0.3 | 0.3 |
| C.OTHER ECON. ASSIST... | 0.1 | 0.1 | 0.2 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.1 | 0.1 | 0.2 |
| PEACE CORPS...... | 0.1 | 0.1 | 0.2 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 2.4 | 2.4 | 2.5 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 2.4 | 2.4 | 2.5 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 9.0 | 0.0 | 8.1 | 31.3 |
| IBRD | 0.0 | 0.0 | 0.0 | 0.0 |
| IFC | 0.0 | 0.0 | 0.0 | 0.0 |
| IDA | 0.0 | 0.0 | 0.0 | 0.0 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 8.6 | 0.0 | 8.0 | 28.2 |
| UNDP | 0.4 | 0.0 | 0.0 | 2.6 |
| OTHER-UN | 0.0 | 0.0 | 0.1 | 0.5 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## SIERRA LEONE

After gaining independence from Britain in 1961, Sierra Leone adopted a multi-party parliamentary system with an independent judiciary. In June 1978, a new Constitution was approved by national referendum which established a one-party government under the All People's Congress. Other parties challenged the legitimacy of the referendum but eventually acquiesced and joined the Congress. The Constitution also extended the term of President Siaka Probyn Stevens for an additional seven years. President Stevens first assumed executive power in 1968. A year earlier, after his party had apparently won a narrow victory in multi-party elections, a military coup prevented Dr. Stevens from forming a government. A subsequent coup the next year restored civilian rule and brought Stevens to power.

The President is the predominant executive authority in the country. A cabinet, selected by the President from elected members of parliament, meets with the President regularly and has influence on the President's decision-making. Sierra Leone's unicameral Parliament also takes its direction from the executive. The first elections for the one-party parliament were held in 1982. There were contested elections in about two-thirds of the constituencies.

Violence marred the elections in several constituencies, and the results were challenged by those who lost the elections. The judiciary has decided 18 petition cases reversing victories in 5 cases. Two cases have yet to be heard and two cases are still in the courts. One of the latter involves the outcome in the Pujehun East constituency where a protegee of the then Minister of Justice won a disputed election. In that constituency (in southeastern Sierra Leone near the Liberian border) violence continued after the election. A local politician was murdered. Gangs, believed to be motivated by revenge and/or personal gain, murdered, looted and burned villages. The strong-armed methods of the indisciplined Special Security Detachment (SSD) of the police worsened the situation. After four SSD members were murdered in October 1983 the Sierra Leone army was dispatched to the area to restore order. The troops detained between 100 to 150 suspects in operations in November and December 1983. Unlike the SSD, the army showed discipline, and there were no fatalities caused by its operations. The Government never revealed the total number of detainees. A local newspaper in April 1984 charged that 122 suspects had been detained and that ten had died of natural causes because of unhealthful prison conditions. The Sierra Leonean paper called on the Government to charge the detainees or release them; but the Government did not respond. On July 13, one day after Amnesty International alleged in a broadcast on BBC that "political prisoners" were dying in Sierra Leone, the Government, while denying the accusations, charged 32 individuals with a variety of offenses including murder, arson and robbery, and released 69 on bond while the investigation continued.

The judiciary generally maintains its independence from the executive and has been reasonably effective in protecting basic legal rights. However, there are allegations that some court officials are increasingly subject to political manipulation and influence by bribes.

The press rebounded in 1984. A year earlier, implementation of the newspaper act, which set qualification standards for editors and a fee for registration of newspapers, had temporarily caused the number of privately-owned newspapers to shrink drastically. There are now seven privately-owned newspapers appearing with varying degrees of regularity. They enjoy considerable freedom. There is no prior press censorship. Articles on sensitive political and economic topics, investigative reporting into government shortcomings, including on occasion criticism of ministers and the President, have been published. However, there are limits on the independent press. Two newspaper editors were imprisoned, without being formally charged with any offense, for publishing particularly critical pieces on government corruption.

The Constitution recognizes the right of private property for Sierra Leone citizens, and most of the modern sector of the economy is in private hands. There is also government ownership, or partial ownership, in parts of certain key sectors, particularly mining and transportation. In addition, the Government attempts to control wholesale and retail prices, allocate foreign exchange, and set agricultural producer prices. Sierra Leone is considered by the United Nations to be among the world's least developed countries and its economy has been declining for the past decade.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

There were no political killings in 1984.

#### b. Disappearance

There were no reports of abduction of individuals by the Government or hostage taking by non-governmental groups.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There have been no reports of torture or of degrading treatment or punishment. However, the country's economic decline, the resultant shrinking of budget revenues combined with a rising crime rate have led to a dangerous overcrowding of prisons. There were repeated stories in the local press throughout 1984 deploring prison conditions and reporting prison deaths due to natural causes including malnutrition, pneumonia, diarrhea and gastroenteritis. The Government has not responded to these local press reports but did take issue with an Amnesty International allegation broadcast by BBC that 19 prisoners had died in detention due to neglect and malnutrition. The Sierra Leone Government responded that from January to July 1984 only five prisoners had died and malnutrition was not the cause of death.

#### d. Arbitrary Arrest, Detention, or Exile

Habeas corpus is part of Sierra Leone common law and is observed in practice. Under the Constitution of 1978, the President may take measures to detain any person who is, or is reasonably suspected to be, "dangerous to the well-being of the Republic". Writs of habeas corpus granted by the court during such an emergency would not extend to applicants detained pursuant to an order under the Public Emergency Act. A state of emergency must come into force within 28 days after the detention, or a detainee not charged with an offense must be released. There is no one currently being detained under Public Emergency Regulations. In 1984 on two occasions journalists were detained for publishing articles critical of the Government.

In November and December 1983, approximately 100 to 150 persons were detained by the army in an operation to restore order in the Pujehun. No state of emergency was declared but there was a lengthy delay in charging the detainees. On July 13 the Government finally charged 32 detainees with a variety of offenses including murder, arson, and robbery, and released 69. The reasons for the delay are disputed. Some government officials say unusual circumstances caused the delay: i.e., the large number of detainees, the fact they were rounded up in a military operation, the resultant slowness in police preparation of the reports, leading finally to further delay in the understaffed Attorney General's office. Other observers have claimed that the Government let the detainees languish in prison because they attacked its political supporters in the Pujehun.

### e. Denial of Fair Public Trial

The judiciary has generally maintained its independence from the Government, although some critics charge that the legal system is increasingly subject to political manipulation, often before cases reach the courts. The Constitution gives the President power to remove judges after age 55--a provision which has not to date been invoked. Sierra Leone's courts have a reputation for providing fair, public trials. Defendents are allowed counsel of their choice, and convictions may be appealed. However, many poor defendants cannot afford counsel, and public defense is provided only in cases of capital offenses. Persons detained under the Public Emergency Act are not guaranteed a hearing (unless charged with a criminal offense).

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Legal safeguards against arbitrary invasion of the home are observed. Rights of the individuals and family are not abused by the State. Censorship of mail and electronic eavesdropping on private conversations through bugging or wiretaps have not been reported. However, some organizations have claimed that informers report to the Government on their activities.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Freedom of speech is legally guaranteed, but under the Constitution this freedom can be abridged if the proper functioning of the party is deemed in jeopardy. In practice, the Government tolerates public criticism by individual citizens, and academic freedom is unabridged. However, since 1978 no opposition party has been permitted. Most opposition groups are based in the United States and the United Kingdom. There have been no reports of opposition groups attempting to criticize the party or the Government publicly inside Sierra

Leone. The political propaganda of exile opposition groups is not allowed to circulate in Sierra Leone.

The Government affirms press rights. President Stevens has, on several occasions, stated publicly that there is no press censorship in Sierra Leone. But the President usually adds that criticism should be fair and not abusive, and that journalists, in criticizing, should try to place things in the context of the nation's development processes.

There is considerable press freedom. The privately-owned press tested its limits in 1984 by reporting on sensitive political topics. For example, one series of investigative reports on mishandling of funds led to the firing of a cabinet minister and even the President was criticized for his handling of a cabinet shakeup. However, the Government expects journalists to exercise some self-censorship. When two newspaper editors published particularly critical pieces on corruption in top government circles, they were imprisoned without being charged with any offense, although their newspapers continued to publish. One of the offending articles was subheaded "Time is Up for Pa's (i.e., President Stevens) Boys" and attacked members of the ruling All Peoples's Congress of which the President is Secretary-General, and called on the President to "clear away his corrupt and arrogant ministers..." The Acting Editor was imprisoned in September after his paper printed the foregoing. He was held without charge until December 11 when he was finally released.

### b. Freedom of Peaceful Assembly and Association

The Constitution guarantees the rights of freedom of assembly and to form or belong to trade unions or other economic, social, or professional associations. However, it places limits on these rights, most significantly where assembly or association would conflict with the "proper functioning of the party" or the requirements of public order. In practice, freedom of association in the nonpolitical sphere is respected. Trade unions normally operate freely and exercise the right to organize, to negotiate, and to strike against employers. However, when trade union activities publicly challenged government policy in 1981, the Government arrested approximately 180 union members. Late in 1982, the Congress was allowed to elect a new executive committee, and it is now functioning independently of the Government. Most major sectors of the Sierra Leone economy, except agriculture are unionized.

Private associations of citizens can and do make representations to the government on policy issues and are not subject to reprisals.

### c. Freedom of Religion

There is a tradition of religious tolerance in Sierra Leone. Muslims (the most numerous religious group), Christians, animists, and adherents of other faiths practice their religions freely without government interference. The state is non-sectarian and does not discriminate on the basis of religious belief.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The major official restriction on travel within the country is in diamond mining areas and is intended to control smuggling. There are few regulations restricting foreign travel. A few Sierra Leoneans who oppose the one-party Government are in self-imposed exile.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

President Stevens is the dominant authority in Sierra Leone. Since independence in 1961, the clear trend in political development has been the increase of the executive power and the lessening of constitutional checks on that power. At present, the unicameral Parliament is clearly subservient to the executive branch of the Government. President Stevens' term of office was extended by the Constitution of 1978 for an additional seven years. Moreover, the Constitution provides that the leader of the party will be the sole candidate for the office of President. Candidates for Parliament are chosen in each constituency by the Party's local executive committee. The executive committee chooses three candidates from the list of citizens who sought nomination. The central committee of the party has the power to disapprove the nomination of any candidate selected by the local executive committees if it believes the candidacy would be inimical to the state. The decisions of the central committee on the candidacies are final. There was no report that candidates were rejected by the central committee in the 1982 elections. In practice, the legal procedure for choosing candidates is supplemented by an informal vetting process in which the President influences the selection of candidates. In the 1982 elections, there were contests in about two-thirds of the constituencies. Court challenges by electoral losers were independently reviewed by the judiciary.

Electoral violence stemming from ethnic tensions is a continuing problem. The Cabinet named by the President after the 1982 elections was ethnically balanced. The post-election appointment of a former leader of the opposition party to a key cabinet post is also viewed as a sign that progress in healing sectional and ethnic rifts is being made.

In addition to the national political system, there is also a traditional system which operates in the provinces outside of the urban area. Paramount chiefs are elected for life by the members of the chiefdom council. They have considerable authority in local affairs and in resolving traditional disputes.

There is universal suffrage, and no groups are precluded from voting because of sex, tribal, racial, or religious factors.

## Section 4 Governmental Attitudes Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

In 1984 Amnesty International queried Sierra Leone about persons detained as the result of the Pujehun disorders who had been held for several months without being charged. No response was given but in July the detainees were either charged or released. In August 1983, Parliament ratified the

Organization of African Unity's African Charter on Human and People's Rights. Freedom House terms Sierra Leone "partly free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Sierra Leone, a nation of 3.8 million with a per capita gross domestic product of $386 a year (1982 figure), is classified by the United Nations as among the world's least developed countries. Its population growth rate of 2.6 percent per annum exceeded GDP growth from 1970 to 1982, which averaged 2.0 per year. Since 1981, the situation has worsened. Life expectancy at birth is 41 years and the infant mortality rate is 197 per 1000. Adult literacy is estimated at 15 percent.

Many of the factors contributing to the decline in the living standard of most Sierra Leoneans are beyond Sierra Leonean control. These include gradual depletion of alluvial diamond deposits, rising fuel import bills, and, since the late 1970's, declining world prices for mineral and agricultural exports. Yet government economic policy and mismanagement have worsened the situation as budget deficits have led to high inflation (about 40 percent in 1983). The overvaluation of the leone has accelerated and with it smuggling and black market activities. Low rates of domestic savings and investment have left the country heavily dependent on external assistance for development efforts. Mismanagement has limited the return on the country's limited investment.

Women in Sierra Leone are guaranteed equal rights by the Constitution. In practice access to education for women remains more limited than it is for men. For example, only 39 percent of the children enrolled in primary school are female (1977 figure). Yet this figure indicates gradual improvement has been made since independence. The status of women varies substantially in different parts of the country and depends upon cultural values of various tribal groups. In some areas of Sierra Leone women have been elected to the prestigious position of paramount chief. In other areas, this would not happen. In the modern sector, women are prominent in the professions and one woman is a Supreme Court Justice. The political sphere continues to be overwhelmingly male-dominated.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
## (U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: SIERRA LEONE

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 10.4 | 8.7 | 8.5 |
| LOANS.............. | 3.0 | 3.6 | 3.0 |
| GRANTS............. | 7.4 | 5.1 | 5.5 |
| A.AID ................ | 3.1 | 1.0 | 1.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 3.1 | 1.0 | 1.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 4.4 | 4.9 | 4.6 |
| LOANS.............. | 3.0 | 3.6 | 3.0 |
| GRANTS............. | 1.4 | 1.3 | 1.6 |
| TITLE I-TOTAL.......... | 3.0 | 3.6 | 3.0 |
| REPAY. IN $-LOANS..... | 3.0 | 3.6 | 3.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 1.4 | 1.3 | 1.6 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 1.4 | 1.3 | 1.6 |
| C.OTHER ECON. ASSIST... | 2.9 | 2.8 | 2.9 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 2.9 | 2.8 | 2.9 |
| PEACE CORPS...... | 2.9 | 2.8 | 2.9 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 10.4 | 8.7 | 8.5 |
| LOANS.............. | 3.0 | 3.6 | 3.0 |
| GRANTS............. | 7.4 | 5.1 | 5.5 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 9.0 | 21.0 | 21.5 | 206.2 |
| IBRD | 0.0 | 0.0 | 0.0 | 18.7 |
| IFC | 0.0 | 0.0 | 0.0 | 2.1 |
| IDA | 5.0 | 20.0 | 21.5 | 119.0 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 36.4 |
| UNDP | 2.6 | 1.0 | 0.0 | 25.7 |
| OTHER-UN | 1.4 | 0.0 | 0.0 | 4.3 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## SOMALIA

Somalia, a nominally constitutional democracy in which civil and political rights are very limited, has been ruled for the past 15 years by President Mohamed Siad Barre, as head of the armed forces and Secretary General of the Somalia Revolutionary Socialist Party, the country's single political party. The formal government structure includes a Supreme Revolutionary Council formed in 1969 (now moribund), the Somali Revolutionary Socialist Party formed in 1976, a People's Assembly established in 1980, and a 45-member Council of Ministers. The President also regularly convenes the party politburo, a closer circle of advisors composed of the most powerful four or five ministers of government. However, the ultimate source of the President's political authority is the military, which brought him to power in 1969. The importance of the military in Somali society is reinforced by the continuing conflict between Somalia and Ethiopia over the area of Ethiopia populated by ethnic Somalis, as well as by the military's occasional role, along with the police, as keeper of civil order.

Ethiopia and Somalia support armed dissident activity against the other. Dissident activity increased in 1984 beginning with the bombing of the Addis to Djibouti railway in January, to which Ethiopia reacted with the bombing of the town of Borama in the same month. Somali incursions into Ethiopia are more difficult to track than Ethiopian activities. Recent Ethiopian overflights have extended as far east of disputed areas as Baidoa--only 150 kilometers from Mogadishu.

Significant numbers of ethnic Somalis live in the neighboring states of Kenya and Djibouti, as well as Ethiopia. There are no active territorial disputes between Somalia and either Kenya or Djibouti.

The 1979 Constitution provides limited guarantees of political and civil rights. However, it also contains provisions allowing for its selective suspension, and these were invoked by President Siad during a state of emergency between October 1980 and February 1982. While the Constitution has been reinstated, civil and political rights are tightly circumscribed and organized criticism of the Government is not permitted.

Somalia has only one ethnic group, the Somali, which is subdivided into clans and clan groups. Although the country is ethnically and linguistically homogeneous, the clan divisions have a major impact on internal politics. Women have a prominent voice in many aspects of social and cultural life and have made inroads in government and business with the strong support of President Siad. In general, religious practices are not restricted, although proselytizing is not allowed, and religious leaders are not permitted to discuss political themes in their sermons.

Somalia is a poor country with few natural resources. Most Somalis earn their living as herdsmen or farmers. The country's economic development suffers from frequent drought and recurrent conflict with Ethiopia, which has resulted in heavy defense expenditures and a massive refugee problem. Somalia receives substantial international refugee assistance, and large amounts of development assistance, commodity aid, and budget support. Most of the modern sector of the economy is government controlled and plagued by bureaucratic inefficiencies and a lack of adequately trained personnel. In recent years the Government has encouraged development of the private sector and foreign investment. Change has been slow, but Somalia has made some economic and financial progress through joint efforts with the International Monetary Fund and the International Bank for Reconstruction and Development.

The Government commitment to develop the private sector has involved divestiture of some state-owned organizations. In addition, organizations such as the General Federation of Somali Trade Unions and the Union of Somali Cooperatives Movement, which previously were tightly controlled by the central government and the party, appear to have been allowed more independence.

The principal arm of the internal security apparatus is the National Security Service, which can arrest and detain people indefinitely. The Government shows little hesitation in imprisoning those whom it sees as a threat to its security. Political prisoners have occasionally been held for years, then released and rehabilitated, with some of them assuming responsible positions in the Government. The exact number of political detainees is unknown, but estimated to be 350 to 500, with new prisoners being incarcerated as others are released. Many have not yet been charged.

The 1983 Agreement with the International Committee of the Red Cross on Welfare of Prisoners of War has met with limited success, and discussions are continuing on ICRC concern for the welfare and repatriation of Ethiopian POW's (as well as contact with Somali relatives of POW's held by Ethiopia).

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

There were no reported instances of political killings by the Government in 1984. The Ethiopian-based Somali National Movement has issued radio statements that it is targeting prominent Issak clan supporters of the Siad Barre Government and has waged a bombing campaign in the northwest city of Hargeisa.

#### b. Disappearance

There were no reported cases of disappearance in 1984.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There continue to be allegations of systematic torture, but they have not been substantiated. There is evidence of rough treatment of criminal suspects by Somali police authorities in order to obtain confessions. Living conditions in prisons can be harsh.

### d. Arbitrary Arrest, Detention, or Exile

Despite a constitutional provision guaranteeing formal charges and a speedy trial, arrests without warrants and indefinite detention without charges do occur in cases involving dissenters and others viewed by the Government as a threat to national security. At least 200 of the 350-500 political prisoners are being detained without charge, including six high government officials arrested in June 1982. A seventh died in prison. Others deemed to be no longer a threat to the Government have been released in the past year. These include a former Chief of Police and the wife of a defector who had been listed by Amnesty International as a prisoner of conscience. Habeas corpus does not exist in cases having to do with national security. In at least some cases, political prisoners are denied visitors and access to lawyers prior to being formally charged. Delays in bringing charges can be lengthy in criminal cases as well.

### e. Denial of Fair Public Trial

The Somali court system, in both criminal and political cases, is subject to review and control by the Executive. Since 1970, judges have been nominated by the Supreme Revolutionary Council and all positions of the Higher Judicial Council, the highest judicial review body, have been taken over by Supreme Revolutionary Council members. The 1979 Constitution made the President Chairman of the Higher Judicial Council and added amnesty matters to its jurisdiction, thereby compromising the independence of the judiciary. In regular courts, judges refer to the Koran in rendering legal decisions pertaining to family matters such as marriage and inheritance. Prisoners can be held indefinitely without charge, and in some cases they can be tried without a lawyer in a closed session. The National Security Court, established in 1969, has authority with no right of appeal in cases of crimes against the State, the Government, or public order. Its deliberations are secret, and it is directly subordinate to the Government.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

"Mobilization campaigns" are organized by the Somali Revolutionary Socialist Party to promote public participation in, and enthusiasm for, various civic and national programs as well as general support for government policies. Participation in these campaigns is urged but not strictly enforced.

The National Security Service has the authority to search homes without warrants and detain anyone suspected of being a political dissenter. This authority extends to wiretapping and opening of mail although there is no evidence that such practices are broadly used. Through a comprehensive network of informants the National Security Service is capable of effectively tracking the movements of individuals. This gives it the potential, if not the actual, ability to collect a great deal of information on private citizens. As a result, it is feared by most citizens.

Throughout 1984 there has been sporadic forced conscription into the military.

# SOMALIA

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The media are owned and operated by the Government, and they are devoted to disseminating information and opinion acceptable to the Government. Dissenting views are not allowed public expression. Members of opposition groups are not permitted public expression of their views and are subject to indefinite imprisonment for publicly criticizing the Government. However, anti-Government pamphlets and tracts do occasionally surface in urban centers. Foreign publications are subject to sporadic censorship.

### b. Freedom of Peaceful Assembly and Association

All non-religious organizations and public gatherings in the country are subject to government control or supervision. Rallies or meetings of a direct political nature are organized only by the Government to promote its own programs. The country's single labor confederation is government controlled and has no right to strike. The main role of the unions is to organize government oversight of the work force by monitoring its mood and providing a conduit for worker grievances. Government regulation of the General Federation of Somali Trade Unions and the Union of Somali Cooperatives Movement has eased considerably during 1984, with the result that these formerly rigid Soviet-style organizations are making tentative contact with their autonomous Western counterparts. The GFSTU labor confederation is a member at the Ghana-based, continent wide, Organization of African Trade Union Unity (OATUU), as well as of the International Confederation of Arab Trade Unions (ICATU).

### c. Freedom of Religion

Islam is the state religion and is adhered to by over 95 percent of the population. There is little Government interference in religious matters. However, some tensions are created by government appeals for national consolidation which cut across the clan and religious groupings of the traditional political system. Religious groups such as the Sufi orders enjoy religious freedom, but they have learned from past experience not to try to influence the political process. Members of religions other than Islam may freely practice their faith but may not proselytize.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Internal travel is not formally restricted but is controlled through numerous police and military checkpoints in the towns, border areas, and places where inter-clan violence occurs. Although passports can be obtained by any Somali citizen, the Government prevents the departure of people it does not wish to leave the country, especially young men of military age, by denying exit visas. Emigration is permitted but not for government employees. The Somali Government does not exile its opponents. Somalis who have left the country to reside abroad have done so voluntarily, either because of economic opportunities or because they oppose the President. The Government allows repatriation, and in some cases provides former dissident exiles with official government or military positions. In other cases, returnees have been interrogated and detained indefinitely without trial for anti-Government activities.

There are 350-400,000 ethnic Somali refugees from Ethiopia in Somalia. For political and kinship reasons, refugees are not forced to return to Ethiopia. In fact, the Somali Government prefers that they not return. While it is not possible for authorities to police the movement of individuals in the more remote refugee camp sites, there have been reports of the military periodically preventing the departure of large groups of refugees. In addition, cases of government conscription of refugees from camps into the armed forces have continued in 1984. In mid to late 1984 there was a new influx of displaced persons from Ethiopia arriving mainly in northwest Somalia coincident with severe drought conditions in Ethiopia and institutionalization of political changes there along Soviet lines.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

President Siad Barre rules Somalia and controls political participation through the single legal party. The Somali Revolutionary Socialist Party directs participation in Somali political affairs for individuals and organizations, such as the General Federation of Somali Trade Unions, the Somali Women's Democratic Organization, and the Somali Revolutionary Youth Union. Elections were last held for the People's Assembly in December 1979, consisting of a vote for or against the party's national slate of candidates running uncontested. The Constitution stipulates that elections be held every five years, but the President has the power to delay elections.

There is no legal opposition and criticism of government policies is forbidden. Recognizing the continuing strength of the traditonal, clan-based political system, President Siad and members of his Government frequently hold formal and informal consultations with various clan leaders. President Siad has used clan politics to consolidate and maintain his rule by placing members of his own clan, the Marehan, in key positions. However, members of other clans are also allocated responsible positions in government. Clan identification is very strong and, for many Somalis, the traditional system is the accepted method of political expression. Clan politics and clan rivalries occasionally erupt into violence.

Women and minorities participate in politics and government. The Somali Women's Democratic Organization, though subordinate to the party, has advocated greater political participation and mobilization for women. President Siad has long been an advocate of greater rights for women, despite Islamic opposition to this policy. A number of women are in Parliament and in important positions in various ministries and within the party, and Somalia has recently appointed its first woman Ambassador.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Somali Government has refused permission for foreign officials or human rights organizations to visit political prisoners, although in 1983 Somalia allowed an International

Committee of the Red Cross (ICRC) team to inspect facilities for prisoners of war from the conflict with Ethiopia. An ICRC representative is now accredited to Somalia. There are no Somali organizations which are actively concerned with human rights issues. In addressing itself to human rights issues at international forums, Somalia usually limits itself to general statements and to criticism of human rights practices in Ethiopia. The International Parliamentary Union has approved resolutions calling on the Somali Government to release the six parliamentarians held under arrest since 1982. Amnesty International in its 1984 Report also expressed its concern over the continued detention of these (and other) persons without trial, and stated that it had requested details on the death of a seventh, who had reportedly been refused hospital admission and denied access to family. The Attorney General later sent Amnesty International a copy of the post mortem report, which indicated kidney failure, but provided no further information or guarantees on treatment of prisoners. Freedom House terms Somalia "not free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Sixty percent of Somalia's 6.4 million people are nomads, 20 percent are settled rural dwellers, and 20 percent are urban. Statistics on Somali economic and social conditions are limited and often inaccurate. Per capita gross national product in 1982 was about $295, making Somalia one of the poorest countries in the world. Life expectancy at birth is 39.6 years and the infant mortality rate is 171.8 per one thousand births. The adult literacy rate in Somali is estimated at 6 percent (male 11 percent, female 3 percent) and about 5.2 percent in other languages such as Arabic, Italian, English, and Russian. The primary school enrollment ratio in 1980 was 38 percent, (male 47 percent, female 29 percent). The ratio of calorie supply available for consumption relative to nutritional requirements was 96 percent in 1977. The percentage of population with access to safe drinking water was 33 percent in 1976.

The health of the Somali people is poor, with the principal causes of morbidity and mortality being malnutrition and infectious disease including diarrhea, malaria, measles, whooping cough, and respiratory infections. Health service facilities are generally poor, although urban inhabitants benefit from a wider range of government health and social services. Somali nomads are poorer than the urban population, with limited access to health and social services. The livelihood of this group is also subject to the greatest degree of risk because of recurrent droughts. The unavailablity of health care and other social services is due to the country's poverty and primary attention to security issues, rather than any deliberate government policy of neglect.

Somali culture remains overwhelmingly traditional. This allows a degree of social support for individuals, but also permits the continuation of practices such as female circumcision. The Somali Government has improved the legal and political status of women in recent years to allow participation in the work place and in government. In 1975 women were given equal rights in several respects, including equal inheritance rights. The Government also promotes universal and coeducational schooling to the extent that resources allow. However, the dominance of traditional cultures is giving way slowly.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: SOMALIA

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 55.8 | 69.7 | 81.7 |
| LOANS.............. | 14.5 | 15.0 | 16.0 |
| GRANTS............. | 41.3 | 54.7 | 65.7 |
| A.AID ................ | 34.4 | 47.9 | 50.6 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 34.4 | 47.9 | 50.6 |
| (SEC.SUPP.ASSIST.)... | 20.0 | 21.0 | 35.0 |
| B.FOOD FOR PEACE....... | 21.4 | 21.8 | 31.1 |
| LOANS.............. | 14.5 | 15.0 | 16.0 |
| GRANTS............. | 6.9 | 6.8 | 15.1 |
| TITLE I-TOTAL.......... | 14.5 | 15.0 | 16.0 |
| REPAY. IN $-LOANS..... | 14.5 | 15.0 | 16.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 6.9 | 6.8 | 15.1 |
| E.RELIEF.EC.DEV & WFP. | 6.9 | 6.8 | 15.1 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| | | | |
| II.MIL. ASSIST.-TOTAL... | 25.4 | 30.6 | 33.0 |
| LOANS.............. | 10.0 | 10.0 | 0.0 |
| GRANTS............. | 15.4 | 20.6 | 33.0 |
| A.MAP GRANTS.......... | 15.0 | 20.0 | 32.0 |
| B.CREDIT FINANCING.... | 10.0 | 10.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.4 | 0.6 | 1.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| | | | |
| III.TOTAL ECON. & MIL... | 81.2 | 100.3 | 114.7 |
| LOANS.............. | 24.5 | 25.0 | 16.0 |
| GRANTS............. | 56.7 | 75.3 | 98.7 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 16.5 | 33.0 | 36.5 | 444.4 |
| IBRD | 0.0 | 0.0 | 0.0 | 0.0 |
| IFC | 0.0 | 0.0 | 0.0 | 0.4 |
| IDA | 15.0 | 23.0 | 31.5 | 234.4 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 3.2 | 0.0 | 56.0 |
| UNDP | 1.5 | 6.8 | 0.0 | 56.3 |
| OTHER-UN | 0.0 | 0.0 | 5.0 | 18.8 |
| EEC | 0.0 | 0.0 | 0.0 | 78.5 |

## SOUTH AFRICA

South Africa is a multiracial country whose laws codify the doctrine of apartheid (racial separation) under which the white minority dominates national political institutions and defines the basic rights and obligations of people according to their racial or ethnic origin. Accordingly, the black majority suffers from pervasive discrimination in political, economic, and social life. The Black African majority (73%) continues to be denied the basic rights of citizenship and political participation except through the government device of designating tribal areas as rural "homelands" and through tightly controlled urban councils.

South Africa in 1984 continued the gradualist reform process seen in recent years and the implementation of a new Constitution which for the first time provides limited representation in Parliament to "colored" (mixed race) and Asian South Africans. But 1984 also witnessed a widespread boycott of elections held under that Constitution and outbreaks of serious urban unrest over political and economic grievances, resulting in at least 200 deaths. The Government responded with increased use of state repression, including police violence against urban protesters and widespread detentions under stringent security legislation. Army units assisted police in cordon and search operations in townships. As the year ended, basic questions about government thinking on the pace and direction of further reform remained unanswered.

South Africa's parliamentary system is dominated by the 16.2 percent of the South African population which is white. Previous elections have been free and fair for whites. The 1984 colored and Asian elections were also fairly conducted, although only a minority of eligible voters participated. The press is outspoken, but circumscribed by legislation, government pressure, and self-restraint. Free labor unions exist and the right of collective bargaining has been extended to the growing number of black unions that have emerged in recent years. Trade unionists frequently suffer official harassment, persecution, and detention. South Africa's judiciary is independent, but security legislation encroaches broadly on judicial power.

The new Constitution approved by white voters in 1983, which went into effect in September 1984, abandons the former all-white Westminster model and creates a strong executive, the State President. The carefully structured Parliament, based on a racial ratio of 4:2:1 (white: colored: Asian), ensures white control and continues to deny any national role to blacks, but does require participation on some legislation, including that affecting blacks, by all chambers of Parliament. The full impact of the new Constitution on apartheid legislation will only become evident once these institutions begin to function, starting in early 1985. While 1984 passed without further repeal of major apartheid legislation, the South African Government pledged that its next step is to address the issue of black participation in the political process. The Government also signaled its willingness to take a more realistic view towards black residency rights in urban areas by such moves as the extension of 99-year leaseholds for blacks in the Western Cape, and by shifting the emphasis from "influx control" to keep blacks out of the cities to one of "orderly" urbanization.

## SOUTH AFRICA

The practice of apartheid remains the basis for the organization of South African society. Discriminatory laws and practices are woven throughout the fabric of South African life. Important examples include: (a) the Constitution itself; (b) legislation which limits black South Africans to generally resource poor and overpopulated "homelands", or deprives them of citizenship through creation of "independent" homelands; (c) influx control or "pass" laws which prescribe the conditions under which black workers and their families may remain outside the homelands; (d) separate and unequal educational systems for the various race groups; (e) the Group Areas Act, which mandates separate residential areas for whites, coloreds, Asians, and blacks; (f) the Immorality and Mixed Marriages Acts (now under review) which make sexual relations or marriage between whites and persons of other races illegal; (g) the Separate Amenities Act, which limits the use of public facilities to persons of a particular race group (without requiring equivalent facilities for other race groups). Through the years, the South African Government has also enacted legislation that, in the name of security, curtails the civil liberties of any person whose statements, actions, or associations are viewed as a serious threat to established order. An effective judicial remedy against the denationalization of blacks or against forced resettlement still does not exist.

As South Africa increasingly industrializes, the need for skilled black labor has created a black labor force of nearly 10 million people residing near existing urban industrial areas. These realities, created by economic growth, conflict directly with the basic aim of "grand apartheid", namely the perpetuation of the physical separation of whites from nonwhites, and they serve as well to focus attention on political and human rights for the 10 million urban blacks. In recent years black workers have benefited from rising wages and improving conditions of service, but they are increasingly vulnerable to the economic cycle.

At least 200 people were killed in violent political demonstrations in black "townships" during 1984, some as a result of internecine strife but most as a result of action by the police. Hundreds of individuals, including prominent trade union, student, and community leaders, were detained by the Government in connection with anti-constitution demonstrations and subsequent expressions of disagreement with government policy, such as a widespread work "stayaway" held in the Transvaal November 5-6. Some detainees were released by the Government December 7 and 10, but others were charged with "subversion" or treason.

Also in 1984, the African National Congress (ANC) continued its campaign of violence against the South African Government, with bomb attacks throughout the country. The South African Government sought to curtail ANC activity through both police and diplomatic means, most notably through the signing of the Nkomati Accord with Mozambique. Unlike in previous years, the South African defense force waged no cross-border attacks against neighboring states in 1984. South African troops remain in south central Angola pending completion of the agreement on disengagement of forces signed with the Angolan Government in Lusaka in February 1984. In Namibia, South African troops still fight the Southwest Africa People's Organization (SWAPO), a Marxist-oriented liberation movement seeking independence for Namibia. In keeping with its regional/security goals, the South African Government became a mediator between the Mozambican Government and guerrillas seeking to topple it.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

There were three known deaths in detention cases during 1984, (nine in 1983). Widespread social unrest in black townships resulted in nearly 200 deaths of blacks either at the hands of other blacks or the police.

On February 22, 1984, Sergeant J. Van As of the security police was sentenced to 10 years in prison for shooting Paris Malatji while the latter was in detention for interrogation in 1983. Van As was the first security policeman prosecuted for an incident carried out in the line of duty.

The African National Congress (ANC) claimed responsibility for a string of sabotage acts during 1984. Targets were primarily installations and offices involved with the administration of apartheid, including police offices and courts, in both white South Africa and "independent" homelands. Durban and Johannesburg suffered the largest number of bombings in 1984. While ANC stated policy was to avoid civilian deaths, a number of innocent civilians died in ANC incidents, the most significant being two bombings in Durban which involved the deaths of seven people.

#### b. Disappearance

South African law does not require notification of a detainee's family, lawyer, or other person when an individual is detained or released, and people have simply disappeared into police custody for long periods. The Second Police Amendment Act of 1980 prohibits unauthorized publication of the name of any person detained for "the prevention of or combatting of terroristic activities." Police spokesmen usually do not volunteer information on detainees but will often respond to written inquiries about their status. As of the end of October, South African police had not released information on 31 persons arrested at a funeral in September.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Security legislation allows police considerable latitude in the arrest of suspects and in the interrogation of detainees. Defendants and witnesses in a number of political trials have testified in court that they were assaulted or abused by police during interrogation. Despite a 1982 ministerial directive to improve police handling, allegations of mistreatment of detainees during detention continued to be made in 1984. In a widely publicized trial, which focused attention on this question, former student leader Auret Van Heerden brought a civil suit against 10 security policemen for damages as a result of his alleged mistreatment during detention in 1981-82. The Supreme Court acquitted all but one policeman who was forced to pay Van Heerden $1,000, and made Van Heerden pay all court and legal fees for the defendants.

Van Heerden has filed an appeal against the court ruling. Venda security police continued to intimidate individuals they regarded as threats to state security. They used surprise visits, unexpected searches, and long questioning sessions in their own offices to frighten people.

Sections 18-23 of the Internal Security Act authorize the Minister of Law and Order to issue banning orders. Any person judged by the Minister as endangering law and order, threatening state security, or promoting the aims of communism or an unlawful organization can be (1) made to resign as an officer or member of any organization; (2) restricted to or excluded from certain areas; (3) prohibited from meeting with more than one person at a time; (4) ordered to report regularly to police stations; and (5) prohibited from being quoted or published. No court of law can challenge the Minister's power to issue banning orders, although the Internal Security Act does provide for administrative review of banning orders. According to the South African Institute of Race Relations, over 1,400 South Africans have been banned at one time or another since 1950. Approximately 370 of these persons left the country. One banning order on an individual was issued during 1984. In September 1984, the South African Government lifted the banning orders on Reverend Beyers Naude and Moki Cekisani. As of November 1984, the number of banned persons was 12, including one person banned in the Transkei under legislation adapted from South Africa.

### d. Arbitrary Arrest, Detention, or Exile

Four clauses of the Internal Security Act authorize detention without charge or trial for varying--in some cases unlimited--periods. The Minister of Law and Order himself issues orders under Section 28, which he has characterized as preventive detention. Senior police officials may detain people for interrogation under Section 29 when offenses such as terrorism, sabotage, or inciting a revolutionary situation are suspected. Access to the detainee is severely restricted, and no court may challenge arrests under the provisions of this law. According to the Detainees Parents Support Committee, the South African Institute of Race Relations, and the South African Council or Churches, 572 people were detained as of August 30, 1984. The Minister of Law and Order refuted this figure and claimed that 242 were detained during the same period. The Minister stated to a journalist in late October that from January 1 to September 19, 138 people had been detained under Section 29, with 70 released. Under Section 15, of those detained in the same period in particularly violent situations for up to 14 days, 79 of 80 were released within the two-week period. Of 19 people detained under Section 28, none are now detained without charge; six were charged with treason or subversion. The Minister's figures do not include detentions in the "independent" homelands of the Transkei, the Ciskei and Venda. As a result of demonstrations against government policy that occurred between late August and November, hundreds of persons were detained under Sections of the Internal Security Act and the Criminal Procedures Act, but precise figures are not yet available. Some of these individuals have been released but face charges of "subversion" or high treason.

### e. Denial of Fair Public Trial

While the principle of habeas corpus is affirmed in South African common law, it is nullified in practice by various security law provisions. If a person cannot pay for his or her defense, limited funds for legal assistance are available through the publicly funded Legal Aid Board or various private organizations. However, these sources do not accept all cases, nor do they meet more than a fraction of the total need. As a rule, the court will appoint counsel without charge only in cases involving capital offenses.

Because security detainees may be interrogated without access to counsel, they may admit to actions or charges the implications of which they may not fully understand. However, such statements often are not admissable in court. Many trials are held in camera or in distant parts of the country, making it difficult or impossible for family or others to attend. If deemed necessary by the court, witnesses may testify without being publicly identified. Security and criminal trials are held before regular courts, which are generally regarded as independent of executive or military control, although all judges and practically all magistrates are white. The black population has virtually no representation in the judicial system.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The system of apartheid, or political and social separation of ethnic groups, necessarily implies extensive government regulation of areas of social, personal, and family life, which in most democratic countries are considered matters of free choice. Membership in an ethnic group or race is based on definitions and decisions of the Government. In doubtful cases, racial classification is determined administratively by a racial classification board empowered to weigh evidence and to issue a verdict on an individual's race when the parents' racial classification is not known.

Under apartheid, the people with whom one associates are not a matter of free choice in many cases. The Immorality and Mixed Marriages Acts, for example, prohibit marriage or sexual relations between the races, although the Government tolerates some instances of "mixed" marriage. Prosecutions and convictions for violation of the Immorality and Mixed Marriages Acts have remained fairly constant over the past 20 years, averaging around 180 per year. In mid-1984, a Parliamentary Select Committee began study of changes, possibly including repeal of the Mixed Marriages Act and the relevant sections of the Immorality Act, but in September left decisions to the tricameral Parliament. The Separate Amenities Act allows premises to be reserved for the exclusive use of persons of a particular race. In recent years the Government has expanded the scope of administrative exceptions from apartheid laws allowing some restaurants, drive-in theaters, private hospitals, parks, libraries, and other public amenities to admit persons of all races upon application. Certain legal barriers to interracial sport have also been lifted. Although the Government announced in February that segregation of public facilities would now be discretionary rather than mandatory, few significant changes have occurred. A move by the Pretoria City Council to close 13 parks to blacks was defeated in April 1984. In October, the Durban City Council announced it would renew efforts to open Durban beaches to all races.

Freedom to choose one's own associates is largely and sytematically limited by the Group Areas Act, which decrees that the four officially distinguished racial groups, white, colored, Asian, and African, must live in separate areas. In the case of black South Africans, this means residing in one of the 10 "homelands" unless employment and state permission (so-called Section 10 rights) to reside in an urban area can be obtained. Until 1983, black home ownership outside the homelands was extremely limited by laws and restrictions. Most urban township homes are rented from the Government which owns and subsidizes them. Some more prosperous blacks construct their own houses in urban areas, but they cannot own the land. Since 1983 blacks may obtain 99-year leases on land in many urban areas for home construction, but they still do not enjoy freehold rights. In September 1984, the 99-year leasehold privilege was extended to the Western Cape and that area dropped a policy of labor preference for coloreds, potentially easing employment of blacks. Parliament amended the Group Areas Act in mid 1984 to grant the State President the authority to open central business districts to black entrepreneurs. The decision must be made in consultation with local authorities.

Since the pattern of group residence called for under the apartheid system does not correspond to the actual location of the various groups, the Government has forcibly relocated many people. The forced resettlement of black and colored "squatters" in urban areas and removal of black settled communities, so-called "black spots," from designated white areas to black tribal homelands have continued, despite an announcement by the Minister of Cooperation and Development in early 1984 that no more forced removals would take place. In early 1984, the Government forcibly removed the people of Mogopa, and throughout 1984, authorities knocked down squatter shacks near Cape Town. Since 1961 an estimated 3.5 million blacks, coloreds, and Asians have been forcibly relocated either in the homelands or to other parts of urban areas, according to statistics given in a 1983 report by the Surplus Peoples Project and a South African Council of Churches booklet published in 1984. The Minister of Cooperation and Development confirmed in May that two million blacks had been resettled since 1960. However, this figure does not include 834,400 resettled coloreds and Asians. (An additional 730,000 blacks found themselves inside the homelands when the boundaries were drawn.) Resettlement areas, particularly in the homelands, usually have inadequate facilities and inadequate land and water for agriculture. The Government has also required some white farmers to sell their land and relocate to allow for the creation of the homelands. However, the compensation paid by the Government in these cases is generally considered adequate.

Blacks' residences and travel are regulated by a system of "influx control" or "pass" laws which severely restrict the number of blacks entitled to remain in a given urban area for more that 72 hour at a time. Periodically, police conduct raids or sweeps of the restricted area during which all passes are checked. All persons illegally resident are arrested and/or transported to their associated homeland. In May 1983, the appeals court upheld a Supreme Court decision in the landmark Rikhoto case that migrants who have worked 10 years or more for the same employer or 15 years for different employers are entitled to permanent city residency. Blacks are winning Rikhoto rights, but the process is time-consuming, and the effects are not yet widespread. The Government effectively tied the granting of such rights to the availability of housing, and many people eligible for permanent city residency are prevented from taking up residency because of housing shortages.

In one administrative improvement in the influx control system in 1984, the Government assigned the "pass courts" to the regular magistrates' courts under the jurisdiction of the Department of Justice, resulting initially in fewer convictions on pass law violations. In late April 1984, the Minister of Cooperation and Development withdrew the highly contentious Orderly Movement and Settlement of Black Persons Act, partially because of its impact on those eligible for Section 10 rights.

The Black Urban Areas Consolidation Act allows police to enter homes without a warrant if any black is suspected of illegally residing or working in the area. The Criminal Procedures Act of 1977 authorizes a judge or magistrate to issue a search warrant if reasonable belief exists that "the internal security of the Republic or the maintenance of law and order is likely to be endangered by or in consequence of a 'meeting' being held in a given place". Under this same Act a police officer may enter, search, and question anyone in a place without a warrant if the officer has reason to believe a warrant would be issued but the delay caused by first obtaining the warrant would defeat the purpose of the search. In October 1984, 7,000 men of the South African police and the South African Defense Force surrounded the black township of Sebokeng, south of Johannesburg, and implemented a house-to-house search for "criminal elements." Police arrested 354 persons under various sections of the Criminal Procedures Act, most of whom were brought before specially established courts the same day, but others continued to be held. The stated purpose of the operation was to quell continuing unrest in the township in the wake of violence which broke out at the time of the colored and Asian elections.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The basically white-owned press continues to be a vigorous critic of the Government of South Africa. The press remains a vital channel of communication within South Africa and with the outside world. However, this press freedom is increasingly circumscribed by legal restrictions on coverage of certain topics and "voluntary" self-regulation. Thus, the Media Council, created in 1983, has upheld the principle of self-censorship in reporting. In a September 1984 ruling against the Pretoria News, the Council stated that a newspaper has a responsibility to base comment only on "true facts" to ensure fair reporting. The Government has restricted the areas on which the press may report. Among the proscribed areas are energy supplies, including petroleum and nuclear energy, and protection of "official secrets". In May 1984, the South African Government announced its willingness to relax the provisions of the Prisons Act governing press coverage of prison conditions. In addition to restrictive legislation, the Government occasionally takes direct action to suppress press activities, including banning newspapers and journalists. In late September 1984, the police searched the offices of Afrascope, an independent film organization, seized videotapes and other material and subsequently detained a staffer. Except for newspapers, direct government censorship of all publications, films and public entertainment is authorized by the Publications Act of 1974. In November the government subpoenaed 15 journalists in connection with its investigations of township unrest.

Television and radio are not directly censored, but these media are government monopolies. Reports and comments opposed to the Government, while permitted, are limited and controlled. Such controls and the tenor of government media are matters of widely critical comment in the press. The government-appointed Publications Committee established by the Publications Act may prohibit the distribution or possession of publications, films or other public entertainment that in its view is "obscene" or "blasphemous" (interpreted more broadly than in the U.S.); brings any section of the public into ridicule; harms relations between sections of the public; or is prejudicial to the safety of the State. Decisions of the Publications Committee may be appealed to the government-appointed Publications Appeal Board, but not to the courts. During 1984, the Publications Appeal Board adopted a more relaxed attitude toward censorship, lifting, for example, in January 1984 the ban on the Freedom Charter, a document outlining African nationalist principles. Also, in August the Board overturned a decision by the Publications Committee to ban the Windhoek Observer because of its alleged anti-government activities, and its disregard of censorship laws.

### b. Freedom of Peaceful Assembly and Association

Freedom of association is regulated by a complex set of laws which prescribe separate schools, residential areas, and public facilities for different racial groups and prohibit interracial sex or marriage. In addition, the Political Interference Act of 1968 makes it unlawful for a person of one racial group to join a political party which has members of another racial group; to participate in an election campaign for a person of another racial group; or to address a group for the purpose of promoting a political party. However, the opposition Progressive Federal Party announced in September 1984 its intention to open the party to members of all racial groups in defiance of the Political Interference Act.

The Internal Security Act obstructs freedom of assembly as it gives magistrates the power to prohibit gatherings under certain conditions, to impose conditions on the holding of meetings, and to close off areas to the public to prevent prohibited gatherings. In response to widespread unrest in 1976, the Minister of Justice banned all outdoor gatherings except sports or specially authorized meetings. Though originally invoked for a one-year period, the ban has been renewed each succeeding year and is still in effect. In August 1984, following unrest surrounding the colored parliamentary elections, the Minister banned all indoor meetings of a political nature, except those held by officially recognized political parties. The ban remained in effect until the first session of the new Parliament ended at the end of September. Leaders of the election boycott campaign were detained after staging peaceful protests on the day of the colored elections.

With regard to labor unions, the Labor Relations Act in principle allows total freedom of association. However, this principle does not as yet apply across the board. The mining sector is covered by the Mines and Works Act which still contains certain racially based employment criteria. More than two million agricultural and domestic workers are not covered at all. Problems still exist with the issue of union registration under the Act. However, the number of negotiated wage settlements continued to increase, providing greater leverage by non-whites in the nation's economic life. In a milestone case, the National Union of Mineworkers staged the first legal strike by a union of black mineworkers in September 1984 when negotiations with the Chamber of Mines reached a stalemate. The strike ended after one day when a negotiated wage settlement was reached. Workers of all races are prohibited by law from picketing. Aside from the National Union of Mineworkers strike, virtually all strikes have been illegal, but the Government has not usually prosecuted leaders in the vast majority of strike incidents. As noted in section 1(f), in September 1984 the Government abolished colored job reservation in the Western Cape.

As of June 30, 1984, 18 black trade unionists were detained. An unknown number of black trade unionists are presently serving jail sentences. Two trade unionists remain banned. Moreover, in the wake of a successful November 5-6 politically inspired protest work "stayaway" (the word strike was never used), in which 7 trade union organizations participated jointly with a broad-based political opposition front, 21 more trade unionists were detained, including the leaders of the two most prominent black trade union confederations, some of whom were subsequently released. Thousands of workers at the Government's SASOL fuel plant were fired for participating in the politically oriented stayaway.

Contact with international labor groupings and other national labor centers, including United States labor organizations, is monitored but allowed. Foreign trade unionists wishing to visit South Africa sometimes encounter visa problems. Some South African trade unionists wishing to travel abroad have been refused passports.

### c. Freedom of Religion

Freedom of worship is generally respected. Religious organizations are allowed to hold meetings and other activities without interference as long as they do not seriously challenge government policies. As with other aspects of South African life, churches are often divided along racial lines, but many churches (including a growing number of white churches) do challenge apartheid as a matter of theological doctrine. Church groups are very active in urging either support for or opposition to the new Constitution. Effective January 1, 1984, amendments to the Defense Act provide, for the first time, alternative service options for religious objectors to National Military Service. Conscientious objectors on non-religious grounds continue to be subject to a maximum six-year sentence for refusing to serve.

Government ministers often criticize the South African Council of Churches (SACC) and its General Secretary, Anglican Bishop and Nobel Peace Prize laureate, Desmond Tutu. During 1984 the South African Government released its report of an investigation of the SACC. The report was critical of some activities such as poor administration of funds and support of "confrontationist" bodies; but despite SACC fears, the Government has taken no action against the organization. Some clergymen who actively oppose government policy have previously been banned, but a prominent critic, Reverend Beyers Naude, was unbanned in 1984.

### d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

White South Africans, other than banned persons, must obtain permits to visit some black areas, but are otherwise free to move about the country. Whites must possess valid travel documents in order to travel abroad and to emigrate legally. Legal restrictions exist for Asians who wish to reside in or visit the Orange Free State and certain parts of the Natal Province. These restrictions are lifted only with special permission.

The influx control, or "pass law," system is described in Section 1 (f) of this report.

A citizen's access to a South African passport has been declared a privilege, not a right. According to a court ruling in 1982, the Minister of Home Affairs has an "unchallenged right to revoke" a passport without "ascribing any reasons for his action." The Government generally requires that an individual assigned to an "independent" homeland travel abroad on a homeland travel document. Since no country except South Africa recognizes the "independent" homelands as sovereign states, this negates the validity of such passports. Many blacks refuse invitations to travel abroad to avoid appearing to accept non-South African citizenship through acceptance of a homeland passport. Through its restrictive passport policies, the Government has blocked or hampered the travel from South Africa of some participants in U.S. Government-funded programs or private activities taking place abroad.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

For many decades, South Africa's national democratic institutions were reserved for whites only. Under the new Constitution, which came into effect in September 1984, political participation at the national level is no longer strictly limited to white South Africans, but includes some representation for Asians and coloreds. However, national political rights for black South Africans, who comprise 73 percent of the population, continue to be denied. Under the terms of the new Constitution, all officially registered and recognized political parties may operate as freely as the ruling national party. Elections for the two new chambers of Parliament were held despite a boycott campaign led by the United Democratic Front and a relatively low level of participation through both failure to register and then low voter turnout.

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The new Constitution created a tricameral Parliament with racially based chambers for whites, coloreds, and Asians. Members for each house were elected on separate voter roles. Each chamber has primary responsibility for legislation affecting its own racial constituency. A strong executive, the State President, decides which issues of general concern should be treated by all chambers. He may ask the President's Council, a multi-racial consultative body, for an advisory opinion. The Supreme Court may review whether the State President followed prescribed procedures but may not pronounce on an issue itself. The leaders of the Asian and colored chambers became members of the State President's Cabinet for General Affairs, but they have no specific portfolio. The State President is elected by an electoral college containing 50 whites, 25 coloreds, and 13 Asians. The State President replaces the former Prime Minister and has the power to dissolve Parliament and to call new elections. The new Parliament sat for only an abbreviated session in September 1984. At the session, the members of the colored and Asian chambers were sworn in and the new State President was elected and inaugurated. The President's Council met the following week. Until the Parliament sits for a normal session beginning January 25, 1985, effectiveness of the new system remains unknown.

With the implementation of the new constitution, the South African Government was confronted with the issue of black political participation. Currently the Government requires that national-level black political aspirations be realized through the "homelands." Since 1970, all blacks have been considered to be citizens of one of 10 designated homelands, created by the Government and destined for eventual "independence." Each black is assigned to an ethnic group and to a homeland from birth regardless of whether the individual was born in, has lived in, or has ever visited that homeland. When a homeland becomes "independent," all blacks assigned to that homeland lose their South African citizenship and regain only the "citizenship" of the homeland. The South African Government stated in 1984 that it had no intention of abolishing the homeland system.

Nearly 10 million blacks live in townships near white urban areas. In 1983 the South African Government created a special cabinet committee to consider means for political participation by these blacks. The cabinet committee has held a number of publicized meetings with leaders of black homelands, both "independent" and "self-governing." While discussions have been confidential, the State President himself has pledged to find "suitable political mechanisms" acceptable to urban blacks and to pay special attention to the issue of black citizenship and nationality. How this might affect the denationalization of blacks by imposing homeland "citizenship" is not yet clear.

At present, urban blacks may participate in local elections for community council members who, in terms of the Black Local Authorities Act, exercise some limited control over township affairs. However, elections held in 1984 were heavily boycotted. The role of these local authorities is severely circumscribed by their continuing financial and administrative dependence on the South African Government. While the Black Local Authorities Act of 1982 raised the rights and responsibilities of these black municipal authorities to the status of white municipal governments, it did nothing to redress problems of credibility or inadequate financial resources. Town councils and councillors were the focus of much of the violence which occurred in black townships in September and October 1984 and which underscored the weakness of these local authorities. In October 1984, the Government authorized black local authorities to form their own police units responsible to the local level, rather than the South African police. This decision has met strong opposition within the black community.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

South Africa extends little or no cooperation to various United Nations bodies or private organizations, like Amnesty International, which investigate South Africa's human rights record. The International Committee of the Red Cross (ICRC) is permitted access to convicted security prisoners and visits them annually. The ICRC does not visit security prisoners sentenced to death because the South Africa Government refuses to permit the Committee to speak to the prisoners in private. The ICRC does make recommendations for improvements in prison conditions which have often been implemented. Access to most, but not all, security detainees is denied. In its 1984 report, Amnesty International expressed concern about the use of detention without trial and alleged torture and ill-treatment of political detainees, and also about the use of banning orders to restrict political opposition to the Government. In its 1984-85 report, Freedom House rates South Africa "partly free."

A number of South African organizations observe, report, and contest human rights violations in the country. Black political organizations are active in calling for a society based on internationally accepted principles of human rights. In June 1980, a Lawyers for Human Rights Association was formed to monitor and suggest changes in the human rights situation in South Africa. The multi-racial Black Sash organization reports extensively on the abuses of the influx control system, based on its experience in assisting blacks who have run afoul of the pass laws. The South African Council of Churches speaks out on a wide range of human rights issues and is active in assisting persons incarcerated under security laws and groups denied their human rights. The South African Institute of Race Relations (SAIRR) numbers among its activities the compilation of lists and statistical information on security detainees and banned persons. The SAIRR annual report is a primary source on questions of human rights in South Africa. The Detainees' Parents Support Committee also compiles statistics on persons detained under security legislation and provides support for families of detainees.

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The South African economy is dualistic in nature, containing both a highly sophisticated modern sector and a large underdeveloped rural sector where the vast majority of people are engaged in simple subsistence agriculture. Virtually the entire white and Asian populations, and a significant proportion of the colored population, receive their income from the modern economy. Most of the economically active

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African population of approximately 7 million also participate in the "first world" economy, though generally at significantly lower rates or renumeration and skill/authority levels. However, various apartheid regulations ("influx control") effectively exclude many Africans from seeking opportunity in urban areas. Roughly half of the African population resides in the various homelands, which for the most part are resource-poor and lacking in job opportunities.

There has been considerable economic development in a few homeland areas, aided by several government decentralization programs. Nevertheless, subsistence agriculture, supplemented by remittances from relatives working in "white" South Africa, is the most prevalent source of livelihood. Since many, if not most, of the economically active males in the homelands seek employment in the modern sector of "white" South Africa, a disproportionate number of dependents (women, children, and the elderly) actually reside in the homelands. Over 60 percent of the population from 20-65 residing in the ten homelands is female. Though agricultural progress is being achieved in some rural black areas, the homelands as a whole do not produce enough food to feed their resident populations, despite government claims that the homelands are potentially self-sufficient agriculturally.

The South African economy has slowed perceptibly in the past three years, and was a factor in the 1984 unrest. The South African Government has estimated that an annual real growth of 5 to 6 percent is necessary for the economy to absorb the approximately 250,000 African entrants to the labor market each year. An even higher rate of growth would be necessary to reduce present black unemployment. However, there seems to be very little possibility of South Africa experiencing such growth in the foreseeable future. World Bank data indicate a relatively high per capita gross national product of $2,717 in 1983. Income distribution has traditionally been skewed along racial lines, though this phenomenon has diminished to some degree.

African unemployment is not measured directly. Government figures show an incease in unemployment among the economically active population throughout 1983 and 1984. This does not reflect conditions of unemployment and underemployment in the rural areas. The official unemployment rate among Africans was recorded at 8.0 percent (488,000 unemployed) in June 1984. As the economy continued to experience a downturn unemployment rose, generally a phenomenon more serious among the African population. Unemployment among whites is less than one percent and is only marginally higher among Asians and coloreds. Private estimates of total black unemployment (including the 10 homelands) range up to 25 percent or more.

A respected South African University study indicates that the black share of personal income has been rising slowly in recent years from 23 percent of the total in 1970 to 29 percent in 1980. A South African Government statistical survey conducted in 1983 found that the average salary for Africans has more than trebled since 1979 while white average earnings have not quite doubled in the same period. An average African salary, it found, is around $145 per month while the average colored person takes home $192, and the average Indian $270. Whites, on the other hand, have an average monthly salary of just more than $550. An African worker in the mines earns an average of $136 a month; his colored colleague earns an average of $235, Indians are paid $380, and whites $750. The white/black wage gap is slightly wider in the public service than in the private sector as a whole (including all homelands), where the black average is $137 a month as opposed to a white average of $510.

According to the World Bank, the South African population was 31,698,000 in 1984 with an overall growth rate of 2.4 percent. The most recent census of the country's population, taken in 1980, records average annual population growth rates by racial groups from 1970 to 1980 as: whites, 1.7 percent; coloreds, 2.2 percent; Asians, 2.4 percent; and Africans, 2.7 percent. Official World Bank statistics indicate an overall infant mortality rate of 87.9 per 1,000 live births in 1984. Official government statistics on infant mortality by racial group in 1978 were: whites 14.9; coloreds, 80.6; and Asians, 25.3. Records for Africans are incomplete, but estimates of infant mortality among this sector of the population range up to more than 200 per 1,000 live births, especially in rural homelands such as Ciskei. The higher rate of infant mortality among Africans is ascribed largely to poor sanitary conditions and low standards of nutrition. These factors, combined with the lack of sufficient hospitals and doctors for blacks, especially in the African homelands, account for the differences in life expectancy among the different population groups. World Bank statistics for 1980 show a life expectancy of 64.1 years for all South Africans. A 1983 South African Government report indicates whites have a life expectancy of 70.3 years, Asians 65 years, coloreds 59 years, and Africans 57.5 years.

The drought experienced in South Africa over the past three years has exacerbated the problem of malnutrition among Africans, especially children. A respected university study done in 1981--before the drought became serious--found 2.9 million children (mostly Africans) suffering from at least mild forms of malnutrition. As the drought has continued, the situation has deteriorated. The South African Government has provided drought relief of $20 million to the African homelands and is currently spending $13 million for short-term job creation to combat the effects of the recession and the drought. Many government critics believe these amounts fall far short of what is necessary and have called upon the government to provide money for emergency feeding schemes. Private relief organizations are currently feeding approximately one million people at a cost of over $200,000 per month.

The most recent World Bank data available indicate that as of 1960, 57 percent of the adult population of South Africa was literate. Since for whites, coloreds, and Asians, school attendance is compulsory, it is likely that virtually all adult members of these groups are literate. Some surveys have claimed that 50-60 percent of all adult Africans are literate. Such findings are difficult to corroborate given the rural nature of so much of the African population and disagreement over standards used to gauge literacy. In 1981 African pupil enrollment was just over five million in regular primary through high school grades. Only slightly more than one percent of enrollment was in the last grade of high school, illustrative of a high drop-out rate. A private study indicted that of African school-leavers, some 54 percent departed prior to achieving literacy.

## SOUTH AFRICA

Under the new Constitution, education is an "own" affair with whites, coloreds, and Asians having separate departments and ministers of education. African education is separate from these three departments and the South African Government has until recently steadfastly resisted the idea of a single educational system for all. The Department of Cooperation, Development and Education recently stated that the new Department of National Education is the central education department recommended by the DeLange Commission on Education, with the duty to prescribe general education policy and standards for all population groups. Within the present system, the Government has been devoting dramatically increased funds for educating blacks. The Government states that the budget for black education increased from $35 million in 1972 to $354 million in 1984 (not constant dollars). There remains, however, a huge disparity between spending on blacks as opposed to whites, with the Government spending approximately $7 on each white student for every $1 spent on each African student.

The South African Institute of Race Relations estimates per capita spending on education as $692 for whites, $436 for Asians, $296 for coloreds and $96 for Africans. These figures only apply in "white" areas. Amounts spent in the homelands are even lower. Student/teacher ratios are 18.2 for whites, 23.6 for Asians. 26.7 for coloreds and 42.7 for blacks in "white" South Africa. In the homelands the ratios vary from 31.9 to 49.7 Nevertheless, the trend is toward a narrower gap in expenditure and educational opportunities for all racial groups. Starting in 1981, free compulsory education up to the fourth grade began to be gradually introduced for Africans. It is now in effect at 250 schools with a total of 100,000 students affected. African enrollment at "white" universities (for subjects not offered in the largely segregated black universities) has been growing slowly but substantially.

South Africa suffers from a housing shortage that continues to worsen. The African population is the hardest hit. Early in 1982, a South African Government department announced that almost 120,000 housing units would have to be built annually in "white" South Africa to overcome the shortage within ten years. For Africans alone, the Department said some 52,000 units would be needed every year. The situation in the homelands is worse, yet the amount spent on housing in South Africa dropped from 2.7 percent of GDP in 1970 to 2.3 percent in 1980. A one-year program to sell 500,000 government-owned houses (most of which are occupied by Africans) at discounts of up to 40 percent begun in July 1983, has been extended beyond its original one year and will continue until July 1985. During the first 14 months of the program, however, only 32,000 homes were sold. The sale of houses was universally welcomed, but many government critics are disappointed that the Government has refused to grant freehold rights to Africans. The granting of 99-year leasehold rights (which are now renewable) to some blacks is a sign that freehold may be forthcoming.

Women in South Africa suffer legal, cultural, and economic discrimination, most of which is based on tradition rather than codified in law. The latest South African statistics show that women constitute 41.1 percent of the workforce, but only hold 12 percent of managerial positions. Women traditionally earn lower wages than men. Women are politically underrepresented. No women presently serve as ministers in the Government. Two members of the President's Council are women. Only 3 of the 178 "white" parliamentary seats are occupied by women; 9 women stand alongside 167 men on provincial councils. During 1984, women's organizations actively supported female candidates at local levels with moderate success. Maternity benefits are not quaranteed; a pregnant woman can legally be dismissed from her job. Abortion is illegal. No fertility/contraceptive legislation exists. Until 1984, married female teachers were discriminated against in terms of job placement and pay. New legislation will gradually phase out quotas in school faculty hiring practices; previously 40 percent of all jobs were reserved for men, even if no qualified men were available. Married women will now compete equally with single women teachers. The legislation supports equity of pay for teachers, but tradition dictates that men receive higher salaries because they probably support families.

One important change in the status of women in South Africa in 1984 was passage of the Matrimonial Property Act, which abolishes the marital power of the husband. All marriages will automatically occur in community of property unless an antenuptial contract establishes a different financial relationship. The accrual system will be used for marriages in community of property, so that a wife may share in the accrued assets of the marriage at its dissolution. Married women may now enter contractual arrangements on their own merit. The legislation's one major drawback is that it applies only to white, colored and Asian women, although a parliamentary committee promises to examine the possibility of extending its provisions to black women as well.

While sexual discrimination in South Africa tends to cut across racial distinctions, black women continue to suffer more than white, colored, and Asian women. Domestic workers, most of whom are black, are not protected by minimum wage laws and do not qualify for sick leave or maternity benefits. The Machinery and Occupational Safety Act, passed in early 1984, will extend to domestic workers who may claim some compensation from the employer for injuries sustained on the job. Changes in black taxation that took effect in February hit black married women harder than men. Married black women may pay as much as three times more tax than married men, as they are taxed at a higher rate. Black women are perpetual minors before the law. The Government's failure to extend the Matrimonial Property Act to black women has drawn heavy criticism from blacks and whites. Black women are also severely limited in their ability to own property and rent accommodations in urban areas where they find employment. Increasingly, black women are turning to jobs previously held by men, such as trenchdigging, because they can earn a bit more than as domestic worker.

Against this background of traditional discrimination, a nascent women's rights movement has taken root in South Africa. Women's organizations, very often multiracial, have been at the forefront of the struggle for civil rights, on the premise that civil rights for all must ultimately mean equality for women.

## NAMIBIA

Namibia is a former Germany colony occupied and administered by the Republic of South Africa since 1915, with a League of Nations mandate from 1920-1966. Today, South Africa illegally administers Namibia through an appointed Administrator General who exercises executive power. He has the authority to issue proclamations with the force of law. Under the Administrator, or "first-tier" central government level, there are: "second-tier" authorities--separate ethnic governing bodies representing each of the 10 officially designated population groups except the Bushmen--who exercise semiautonomous authority in areas determined by the Administrator General; and "third-tier" authorities, such as municipal governments and village management boards, who are limited to providing local services. Not all the ethnic authorities have equal power, and under this three-tier system, whites receive a disproportionate share of resources. Official commissions have criticized this three-tier structure for corruption and inefficiency.

Just over a million persons live in Namibia, more than half of them in two provinces along the northern border with Angola: Ovamboland and Kavango. The Ovambo ethnic group comprises 47 percent of Namibia's population. Even so, the old colonial boundaries divide the Ovambo. Almost a third of them live in southern Angola. Namibia's northeastern corner receives plentiful rainfall, but during only one season. Elsewhere, the country is generally arid; the Namib desert covers the southwestern region and the entire western coast.

The judiciary in Namibia consists of two overlapping systems: one for whites, "westernized" blacks, and persons of mixed race; the other for indigenous Africans. Wide-ranging security legislation largely parallels that enacted in South Africa.

The denial of the right to exercise self-rule in Namibia continues. In 1966, the United Nations revoked South Africa's mandate over Namibia, originally granted by the League of Nations in the aftermath of World War I. However, South Africa has refused to relinquish its jurisdiction, even after the International Court of Justice in 1971 upheld U.N. authority over Namibia, determined that South Africa's presence there was illegal, and stated that South Africa was obligated to withdraw its administration from Namibia immediately.

In 1978, the five Western nations of the United Nations Security Council worked out a proposal for Namibian independence with South Africa, neighboring states, and SWAPO--the South West Africa People's Organization--which has been fighting a guerrilla war with South Africa since 1966. The proposal was presented and approved as United Nations Security Council Resolution 435. It calls for the cessation of all hostilities, free elections under the supervision of the United Nations, and the phased withdrawal of South African armed forces.

Negotiations since 1978 have focused on issues connected with the implementation of the U.N. Plan, e.g., agreement in 1981 on assurances regarding U.N. impartiality in supervising elections in Namibia. Since 1983, the principal issue has been the position of South Africa that it will not agree to implement the U.N. independence plan for Namibia until it has a satisfactory commitment on the withdrawal of Cuban troops from neighboring Angola. In November 1984, the Angolan Government made a formal proposal on Cuban troop withdrawal within the context of an overall regional settlement, including the implementation of Resolution 435 on Namibian independence. South Africa has responded with proposals of its own. The U.S. has been playing a mediating role in order to facilitate an agreement resulting in the implementation of Resolution 435.

Meanwhile Namibia continues to experience low-level guerrilla conflict with insurgents of SWAPO's military branch, the People's Liberation Army of Namibia (PLAN), fighting the South African Defense Forces (SADF) and the South West Africa Territorial Force (SWATF). SWAPO draws its strength principally from within the Ovambo people. The bulk of the insurgency and counter-insurgency effort occurs in Ovamboland and Kavango, but sporadic violence erupts throughout the country.

Namibia's economy relies principally on mining, farming, and fishing. Tourism is an emerging revenue-earner. The white minority controls each of these sectors, with the exception of traditional agriculture, and much of the revenue generated has made its way back to the Republic of South Africa in the form of corporate profits and stockholder dividends. However, the South African Government has viewed Namibia as a major drain on its budget.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

Charges that South African police and security forces commit murder continue to be made by lawyers, journalists, and political figures, as well as SWAPO. A leader of the Namibian Christian Democratic Party called a news conference in late August and named five residents who, he said, had been killed by SADF/SWATF forces in Kavango. A number of clergymen, journalists, and the Bar Council of South-West Africa have also made accusations of murder against Koevoet, the special South African police unit assigned to track SWAPO in the northern operational area. South African authorities say that they investigate each allegation and prosecute offenders if the necessary evidence exists. Some witnesses are, however, reportedly reluctant to come forward, for fear of retaliation by security forces.

The SADF blamed SWAPO forces for 28 murders between January and June 1984. SADF records cite the dates, times, and locations of each incident. A spokesman for the SADF said that such incidents had greatly decreased in the past several years. According to its records, 91 civilians had been killed by land mine or assassinations in 1983, compared with over 100 each in the years 1982 and 1981.

In support of its contention that SWAPO has changed to a policy of indiscriminate mining of roads, government forces report that SWAPO land mines killed 33 civilians from January-August 1984. Black leaders recognize that mining is often indiscriminate but note that some people believe such casualties are an unfortunate but acceptable byproduct of efforts to hit defense force targets.

The level of insurgent attacks on urban areas increased in the operational area during 1984. Mechanically detonated limpet mines and occasional mortar attacks on populated areas resulted in a number of deaths and injuries and considerable property damage. One small device exploded in Windhoek itself with little or no damage.

### b. Disappearance

Disappearances continue to be a regular occurrence in Namibia. The Government habitually withholds information on individuals it detains under security legislation, making it difficult for families to locate missing relatives. This blurs the distinction between disappearances and detentions, at least temporarily.

South African security forces figures list 34 civilians abducted by SWAPO in the first 10 months of 1984 and 278 persons during all of 1983. The SADF claims that SWAPO relies on such abductions to provide recruits for its military wing, but that the organization is abandoning the practice because of concern for its domestic image. SWAPO maintains that its recruits join voluntarily.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

A number of internal Namibian political leaders, as well as some clergymen, report that security forces in the operational area, and Koevoet in particular, employ ruthless methods to extract information and discourage sympathy for SWAPO. Suspected SWAPO agents, it is said, undergo brutal treatment from their interrogators, and SWAPO guerrillas seem never to be brought to trial. They are either killed, interned under very harsh conditions, or join the security forces--usually Koevoet.

Police and military insist they investigate all allegations but that victims are required to step forward and press charges. Critics respond that victims are too afraid to testify against elements they believe will exact retribution. Indeed, in a November 1983 court case, a police officer refused to testify against Koevoet, claiming that he feared he would be killed in retaliation.

### d. Arbitrary Arrest, Detention, or Exile

The Administrator General's proclamation AG-9 designates "security districts" in Namibia where authorities have the right to detain individuals indefinitely, and without explanation or trial, for renewable 30-day periods. This proclamation is reinforced by other security legislation, such as AG-26 which permits detention for indefinite periods. Security districts include Windhoek and certain areas to the north, among them Ovamboland and Kavango. This legislation is used relatively often and indiscriminately, and the Government often refuses to disclose even the names of those it has detained. On June 9, 1984, the Government took into custody 37 leading members of SWAPO's internal organization who had gathered for a barbecue to celebrate the earlier release of 54 detainees from an internment camp in Namibia. The move came during then Prime Minister P.W. Botha's European tour and was well publicized as a result. The 37 reportedly were held in solitary confinement for several days, in 5 different detention camps as much as 300 kilometers apart, before being released on their own recognizance. The Government later dropped all charges.

A better known use of AG-9 involved the Keikanachab camp outside the city of Mariental, where until 1984 the Government held 146 prisoners, including 14 Angolans, most of whom had been captured in a raid on SWAPO bases near Cassinga, Angola, in 1978. In March, 3 prominent clergymen were among a group of applicants who brought suit against the authorities to obtain the release of 37 prisoners they had been able to identify. The Government was able to have the suit summarily dismissed, using a section of the South African Defense Act. But on May 24, the Angolans and 55 of the other Mariental detainees were released. On October 11, the camp's only woman detainee was released, and on October 18, 74 of the known 75 remaining prisoners were released in Ovamboland where they had been flown to undergo an orientation course on how society had changed since their internment. Military officials said the men no longer posed a threat to security. One man, Petrus Haimbodi, was not released, though he was transferred out of Keikanachab. The authorities described Haimbodi as a "trained SWAPO guerrilla" who still represented a security threat. Another unidentified man, one of the original detainees, is apparently not at Mariental but is unaccounted for.

Other Namibians remain in detention, including Immanuel Moongo, who was detained under AG-9 on September 6, 1983, and Boas Mwendelili, reportedly detained on the same day. The Government declines to provide detailed information on him or other detainees, including their precise whereabouts. The Government repeatedly refused to allow attorneys access to the Mariental detainees.

Some detainees are released and placed under restricted conditions, as under the South African Internal Security Act. Such restrictions can vary with each individual but usually prohibit meetings with more than four other individuals and entail strict curfew hours. Restricted persons must be home, alone, between 8 p.m. and 6 a.m. There are no available statistics on the numbers of persons affected by this practice. A SWAPO Vice President, Nathaniel Maxwilili, remains under restriction in Walvis Bay. He received permission to attend the May 1984 meeting in Lusaka of SWAPO, the Administrator General, and parties in the Multi-Party Conference.

According to the Department of Justice, 21 Namibians are still imprisoned in the Republic of South Africa on Robben Island, which is reserved for political prisoners. In April, the South African Government released Andimba (Herman) Toivo Ja Toivo, a cofounder of SWAPO, from Robben Island, where he had been imprisoned for 16 years. Following his release, he was reelected secretary general of the party. In June, the Government released 15 other Namibian prisoners from Robben Island. Almost all had been serving sentences of 8 to 20 years after being found guilty of violations of the Terrorism Act.

In September 1983, the Administrator General announced that a commission of inquiry would be established to make recommendations on the "adequacy, fairness, and efficacy of legislation pertaining to the internal security of Namibia." The Commission gathered evidence throughout the country in 1984. Its sessions have been in camera, however, and it is not known when the Commission's final report will be released.

### e. Denial of Fair Public Trial

Those persons detained under AG-9 and other pieces of security legislation have no recourse to the courts. The South African Government, as noted, effectively blocked a suit on behalf of 37 Mariental AG-9 detainees by resorting to the Defense Act. That Act enables the authorities to quash any court action by issuing a certification barring continuation of the trial. Only two criteria are required: 1) it must be in the national interest to discontinue the proceeding; 2) the certificate must be issued in "good faith" for the purpose of prevention or suppression of terrorism in an operational area (i.e., area of insurgency).

With this exception, persons brought to court can expect a hearing based on the legal merits of their case. They have access to effective counsel, and charges against them are clearly stated at the time of arraignment. All cases are tried in civilian courts since no state of war has been formally declared.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Politically active Namibians, including journalists, clergymen, and political figures, report that surveillance by the authorities is routine, whether of their mail, telephone lines, or casual conversations. AG-9 confers virtually unlimited powers of search and seizure on security forces in security zones. In the operational area, invasion of the home is said to be commonplace. Visiting clergymen report that their vehicles have been stopped and all occupants forced to undergo body searches. They say even religious pamphlets have been confiscated. Throughout Namibia, the provisions of security legislation take precedence over other legal requirements for warrants to search private homes.

In a 1971 advisory opinion, the International Court of Justice found that South Africa's administration of Namibia "based on grounds of race, color, descent, or national or ethnic origin" was a "denial of fundamental human rights" and "a flagrant violation of the purposes and principles of the United Nations charter."

In 1977, the appointment of Judge T. Marthinus Steyn as Administrator General resulted in the easing of apartheid in Namibia. The Immorality and Mixed Marriages Acts were repealed, pass laws were abolished, and the restrictions on the movement of labor were greatly relaxed. There is noticeably less segregation in most parts of Namibia than in South Africa. Still, de facto segregation endures. Some white toughs forcibly discourage non-white use of a swimming pool in a largely white residential area of Windhoek. A barber shop in downtown Windhoek discourages black clientele. Although restaurants and hotels are officially open to all races, the right of equal admission is often not enforced in less than deluxe establishments.

Furthermore, in the areas of most direct importance to the majority of the population--schools and hospitals--services are still supplied by separate ethnic second-tier governments. The effect is that whites with a much higher tax base have access to first-rate hospitals and an underutilized teacher training college, while various black groups obtain distinctly inferior and overcrowded services. In addition, some facilities directly administered by the South African Government, such as the railroads, are still segregated.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

South Africa's stringent press laws extend to Namibia. They greatly restrict reporting on a wide variety of matters such as prisons, military affairs, detentions, energy, and security affairs. Opinion and editorial writing is less restricted, and even published comment that is favorable to SWAPO is tolerated. Within the legal parameters, the Namibian press has regularly embarrassed the Government with reports of malfeasance and corruption. One newspaper in particular, the Windhoek Observer, was renowned for its vigorous and independent reporting on human rights violations. The Government banned specific issues and, on August 15, a committee of the South African Directorate for Publications banned all future editions of the Observer, effectively closing it down. The committee's grounds were that the Observer had violated sections of the Publications Act making it unlawful to publish material which is "indecent or obscene or offensive to the public morals," or material which is "prejudicial to the safety of the state, the general welfare, or the peace or good order." Several weeks later, the South African Publications Appeal Board unbanned the newspaper, but warned its publishers that some of the newspaper's material was "on the verge of a contravention of the Publication Act."

The Observer has now adopted a more cautious editorial policy. Its outspoken political editor Gwen Lister was demoted and, after many of the staff quit in protest, she resigned. In December she was charged with violation of the Post Office Act and the Secrecy Act, when she showed members of the press a top secret letter from the police in Pretoria to the postmaster in Windhoek ordering surveillance of her mail. She had discovered the letter in her postal box. As of mid-December, her case had not yet come to trial.

Since the Observer banning, the Government has raised the security deposit required of all newspaper publishers from $10,000 to $20,000. The deposit effectively discourages new newspapers from being launched and also tends to inhibit publishers from edging too close to the boundaries of Namibian journalism, for fear of forfeiting their deposits.

All publications banned in South Africa are also banned in Namibia, and the possession of such literature is grounds for prosecution. A Namibian journalist appeared in a South African court in May 1984 under charges brought after South African airport police discovered that she was carrying publications which were on the banned list. She was subsequently acquitted May 7, using the defense that since so many publications were banned, it was not possible to know which ones could be legally held. The magistrate said prosecutors had not proven that she knowingly committed a crime.

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Although South Africa's censorship law extends to Namibian territory, its enforcement by the Namibian Attorney General is somewhat less stringent than in South Africa.

### b. Freedom of Peaceful Assembly and Association

The 1981 "Prohibition and Notification of Meetings Act," Administrator General Proclamation AG 170, places restrictions on political parties' meetings and requires political parties to abjure violence or the taking up of arms to effect political change. According to this law, meetings are not prevented in advance, but prosecutions can result from violations. The number of actual prosecutions is unknown.

In addition, leaders of a breakaway faction of the Southwest Africa National Union (SWANU) complained that in late 1984 their party members had been stopped and harassed by the security forces while en route to meetings. They report that their members were questioned about their support of one set of SWANU leaders over the leaders who advocate membership in the Multi-Party Congress, which has the support of the South African Government.

Namibia's six labor unions are all registered and all nominally non-racial, although only the mine workers union has a sizable black membership. Only the mine workers union and the municipal workers union, which is basically for white-collar workers, can be considered functioning employee organizations. The mine workers union, however, is represented in only one of the three mining firms. As in South Africa, strikes in Namibia are legal, but the machinery for handling disputes is so cumbersome that it is never used. Strikes are, therefore, invariably of the wildcat variety. Black labor militancy is not evident. Most large-scale employers, even in the fishing industry, use migrant workers who live in compounds controlled by management. This arrangement, combined with the employers' extremely paternalistic attitude toward the workers, contributes to workers' relative passivity.

### c. Freedom of Religion

Namibians enjoy full freedom of religion. Most are Christians. Sects represented include Lutherans, Roman Catholics, Anglicans, and a number of other religious denominations.

Many clergymen, however, complain that the authorities harass them, because the Government believes they favor SWAPO and because of their statements critical of the continued South African presence in Namibia. Clergymen report that, during visits into the operational area, their vehicles have been stopped, every occupant, including clergymen, searched, and printed materials of a purely religious nature confiscated. The Lutheran Church figures prominently in reports of harassment. The Church has charged that on August 2 an eyewitness observed members of the South African Defense Force (SADF) planting a land mine outside their mission hospital at Onipa in the operational area. The authorities say the police found a detonator buried on the hospital grounds, but they deny that the SADF had placed it there.

Non-Namibian church groups opposed to South African occupation and administration visit regularly. The South African Council of Churches completed a fact-finding tour of Namibia in early

October. In July, the South African Government initially refused to issue passports to three Namibian church officials who wished to attend the Lutheran World Assembly in Budapest, but ultimately granted a travel document to one. The military conscription system, fully activated in October, makes no provision for conscientious objectors.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Pass laws have been abolished in Namibia, so movement within the country is much freer than in South Africa. In the northern operational area, however, curfews and checkpoints severely restrict freedom of movement. In addition, the fear of land mines and SWAPO violence also restricts travel in this area. One journalist said he drives only after 10 a.m. and before 4 p.m., after the roads have been swept for mines and before the approaching twilight lends cover to guerrillas.

No ethnic groups have been resettled in recent years. In November, the 900 members of the Riemvasmakers Community petitioned the Administrator General to be resettled in northern Namibia from their current home in Damaraland. The petition said their livestock had been killed off by drought and wild animals, and they were finding it increasingly difficult to find jobs. The Riemvasmakers fled from Namibia to the Cape Province at the turn of the century. They were resettled in Damaraland in 1974.

In early June 1984, the paramount chief of the Herero ethnic group said progress had been made during talks with the Government on the possible resettlement of 30,000 Hereros living in Botswana. Chief Kuaima Riruako held talks in Windhoek with the Administrator General regarding these Hereros, many of whom trace their ancestry to Hereros forced out of South West Africa after the failed Herero uprising in 1904-1905 against the German administration.

In August, the press reported on government plans to convert into a nature conservation area some 6,000 square miles in which a part of the Bushman ethnic group, the Ju/Wasi, maintain a traditional way of life. Critics of the Government denounced the move as a harsh and unnecessary encroachment on the Ju/Wasi's traditional culture and economic existence. They noted that the Ju/Wasi had been deprived in 1970 of 70 percent of their land, and that many have been forced to exist on the fringes of modern society, dependent upon handouts from the Government and on remittances from those relatives who have cash-paying jobs. The Government responded that the conservation area contains rare species and that the conversion of the area would provide jobs for the Bushmen, while still permitting them to use their own methods for gathering food. As of November, a final decision on the conservation area had not been made.

Travel abroad is strictly controlled by government authorities. By law, all who leave South Africa or Namibia must have a passport or "travel document." The Government often declines to issue such documents to Namibians suspected of pro-SWAPO leanings, or who are officially associated with SWAPO. SWAPO leader Andimba Toivo Ja Toivo was issued an "open" passport, which enabled him to travel anywhere, after traveling frequently on a more restricted travel document.

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All persons entering South Africa or Namibia must have a passport and visa unless they can prove to be Namibian or South African by law or descent.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The right of citizens to change their Government is non-existent in Namibia. The Administrator General wields full executive power. Nevertheless, despite the application of security restrictions to control political activity as noted above, significant political activity continues. SWAPO has an internal wing that is cautiously active in Windhoek.

There are some 44 political organizations in Namibia, several of which have only a handful of members. The organizations range from modern parties to traditional groups based on ethnicity. Two key groups--a breakaway faction of the Southwest Africa National Union (SWANU) and the Damara Council--have formed a political alliance with SWAPO, which they call the "Patriotic Front."

The announcement this year that all Namibians would be required to enlist for military service, which could require that they fight to maintain South African rule, caused a widespread outcry. The status of the registration drive was unclear as of mid-December, after questions were raised about its legal basis. Some 14,000 men were already registered, many under threat of firing by their employers. There was no official announcement that registration would cease.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

Critics of the human rights situation in Namibia make regular trips there. In October, a delegation of bishops from the South African Council of Churches made a fact-finding tour of Namibia, which included a visit to the northern area where insurgency and counterinsurgency actions are most active. Their report has yet to be issued, but there are indications that it will be critical of current South African policy. The closing of the Windhoek Observer, an important source of information on allegations of human rights violations, was widely attributed to its critical reporting on controversial issues, including human rights. Amnesty International in its 1984 report (covering 1983) noted the detention without trial of political detainees and the allegations that some of them were tortured and ill-treated. In its 1984-85 Report, Freedom House rates Namibia "not free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The population of Namibia is roughly 1.07 million: 7 percent white and 93 percent black. The population growth rate was 3 percent in 1984. Life expectancy at birth is approximately 61 years, and the infant mortality rate (1984) is 112.3 per 1,000 live births. Calorie supply as a percentage of requirements was 95.75 percent in 1977, the most recent year for which data are available. Literacy figures (1983) are 100 percent for whites and 28 percent for blacks, with school attendance 100 percent for whites and 16 percent for blacks. In 1982, per capita gross national product was about $1,935, with distribution of income heavily skewed in favor of the white population.

## NAMIBIA

Western culture predominates among Africans living in urban areas and among the many migratory workers. But in the more isolated rural areas traditional society remains relatively intact. Many of the differences in the quality of life are due to the administration of important government services, particularly health and education, by the ethnically based second-tier governments. This inefficient system of government perpetuates qualitative and quantitative differences in government resources and services provided to white and black Namibians.

Namibia enjoys a sophisticated and extensive physical infrastructure. A modern economy, in which most whites participate and which produces most of the wealth, co-exists with a traditional, subsistence, agriculturally based economy, which supports most of the labor force. A large majority of the blacks are in the subsistence economy, although many blacks are employed in the modern sector, mainly at lower levels. Both sectors of Namibia's economy are based heavily on natural resources, i.e., fishing, mining, and farming, which were battered during 1984. Large sections of Namibia's waters are overfished by foreign fleets which operate unlicensed and unchecked. Mineral prices and revenue are depressed, and massive capital infusions are needed to overhaul the mining infrastructure. Namibians fear that their natural resources are being depleted by South African and other foreign firms. Profits from entrepreneurial ventures are transferred outside the country, whether in the form of stockholder dividends or direct corporate transfers. New investment is impeded due to uncertainty over Namibia's future. Many of the whites, who control the modern economy, including South African civil servants, have a limited commitment to Namibia's future. Most have assets and potential jobs outside the country--often in South Africa--which they can fall back on should circumstances require their leaving Namibia.

An estimated 70 percent of the population rely on subsistence farming in the traditional sector, and another 10 percent on modern commercial farming. Both sectors have been affected by the current drought, which is considered the worst since World War II and has resulted in hunger in a number of areas, including Kaokoland in the northwest.

South Africa has, according to government officials, guaranteed more than $90 million in loans in 1984 alone and provided more than $325 million annually in direct aid to Namibia. Namibia also derives about $75 million annually from the South African Customs and Excise Union.

Women face considerable discrimination in Namibia, under both South African law and local tradition. There is no clear and consistent policy on which dictates are invoked in any given circumstance. Under traditional rural custom, the woman is usually the ward of either her father or, if she is married, her husband. She is never independent. Women in higher socio-economic groups reportedly elude such straight categorization, but even in the modern sector, some married women complain that they are unable to borrow money or own property without their husband's approval. Women tend to be subject to salary discrimination as well. One leading female political figure said in October that women's political groups seem to be emerging, though they are very much in the nascent stage.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
## (U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: NAMIBIA

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.AID ................. | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.0 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 0.0 | 2.5 | 0.0 | 8.2 |
| IBRD | 0.0 | 0.0 | 0.0 | 0.0 |
| IFC | 0.0 | 0.0 | 0.0 | 0.0 |
| IDA | 0.0 | 0.0 | 0.0 | 0.0 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 0.0 | 2.5 | 0.0 | 8.2 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 0.0 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## SUDAN

Jaafar Nimeiri came to power by military coup in 1969, and formally assumed the presidency in 1971, by means of a single candidate referendum. The President dominates all branches of government and is the leader of the Sudan Socialist Union, the sole political organization. He has periodically assumed ministerial appointments, currently is Minister of Defense and Chief of Staff of the Armed Forces, and is de facto Prime Minister. All judges are responsible to him for "proper performance" of their duties. He exercises oversight of the People's Assembly through his powers to appoint 10 percent of its membership, to convene and dissolve it, to rule by provisional decree during recesses (normally July-October), and to limit legislative inquiry into executive affairs.

Sudan has traditionally been a tolerant society, currently offering hospitality and protection to over 800,000 refugees of diverse religious and ethnic backgrounds from several neighboring countries. In 1984, however, controversy over religious law and insurgency in the south led to setbacks in human rights.

During 1984, President Nimeiri stepped up his program to Islamize Sudanese institutions. Laws Islamizing the military, civil transactions, the tax structure, and other areas were passed. Nimeiri had already promulgated new criminal, procedures, and judiciary codes under Islamization in late 1983. In 1984 Nimeiri also proposed a set of constitutional amendments which would have made Sudan an Islamic state and made the President the religious as well as the secular leader. The People's Assembly debated the amendments in July but adjourned without ratifying them.

In the 1972 Addis Ababa Accords, President Nimeiri brought an end to Sudan's 17-year civil war between the Muslim north and the largely non-Muslim south by granting the southern third of the country special regional autonomy. However, within the past 18 months, armed insurgency under the Sudan Peoples Liberation Movement has resumed in the south and escalated in scale in 1984 with an attendant increase in civilian casualties. The conflict was fueled by the President's decision to decentralize the south into three regions, which some southerners see as an infringement of the south's special autonomy, and aggravated by the program to Islamize Sudanese institutions, including installing summary justice. In September, President Nimeiri reversed direction and announced that he would accept reunification of the three regions if southerners can come to a consensus on a new regional government.

Following the Government's decision in 1983 to incorporate traditional Islamic punishments drawn from the Shari'a into the penal code, the President declared a state of emergency on April 29, in part to ensure that the Shari'a was applied more broadly, and he suspended most constitutionally guaranteed rights. Civilian courts, which had been slow to carry out amputations and other punishments, lost most of their jurisdiction over criminal cases. In their place, emergency courts, later known as "decisive justice courts," were established with summary jurisdiction over criminal cases. More than 50 public amputations for thievery took place during the emergency. Public lashings were common for misdemeanors. Public hangings for murder and in one case robbery took place. The new laws were not applied in the south, but were enforced against non-Muslims, including southerners, living in the north. On September 29, President Nimeiri announced the end of the state of emergency and dismantled the emergency courts, but soon promulgated a new judiciary act which perpetuated and institutionalized many of the summary practices of the emergency courts. Amputations and hangings continued after the state of emergency was lifted.

Sudan's relations with Libya have been strained for several years; Libyan leader Muammar Qadhafi has undertaken or backed several plots to overthrow the Government. On March 16, 1984, in an isolated incident, a Libyan airplane bombed Omdurman, killing five and injuring others. During 1984, Sudanese authorities apprehended a number of groups of Libyan-financed Sudanese subversives planning to overthrow the Government (the most recent being in October). Qadhafi has publicly expressed support for southern Sudanese insurgents. Sudan's relationship with Ethiopia continues to be complicated by the presence of Eritreans in Sudan who oppose the Ethiopian Government and by the presence of dissident Sudanese in Ethiopia. Armed attacks against the Nimeiri Government were mounted from Ethiopia in 1984.

Sudan is a poor country, but has considerable developmental potential, especially in agriculture. Despite a number of reforms, the country is in a precarious financial situation and suffering from serious drought. It has been obliged to restrain imports, seek debt rescheduling, cut back its development program, and rely on heavy donor food imports. The insecurity in the south has created new problems for the economy, e.g., postponement of oil field development and pipeline construction.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

### a. Political Killing

There were no known instances of politically inspired killings in 1984. However, the level of fighting between the Sudanese people's armed forces and southern insurgents escalated in 1984. Insurgents operate freely in the countryside of about one-half of Bahr El Ghazal region and two-thirds of Upper Nile region, and have mounted attacks on many towns and military garrisons in these areas. Southern insurgent groups have killed several thousand non-combatants (mostly southerners) in the course of their attacks on villages and military garrisons. Twice they have attacked riverboats primarily carrying civilians. In one case as many as several hundred people were killed. In February, insurgents attacked Chevron Oil Company's base camp at Rub Kona in the south's Upper Nile region, killing three foreign workers. Sudanese military units have at times not discriminated between combatants and non-combatants in their operations against insurgent groups. Fights between rival southern insurgent groups, inter-tribal warfare, and banditry in the south have also caused numerous deaths.

## SUDAN

### b. Disappearance

There were no known cases of politically inspired disappearances in Sudan in 1984. On four occasions, the insurgents took hostage Westerners working in the south. A few still remain hostage.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There have been no reported cases of torture in Sudan in 1984. The criminal code introduced in 1983 contains penalities based on traditional Islamic laws. Public lashing for both men and women is now a common punishment for many minor crimes. For example, those found guilty of drinking/possessing liquor, blasphemy, gambling, or illegal possession of commodities usually receive lashes (often with a fine and/or imprisonment). The maximum lashing sentence is 100 lashes. The new code made right-hand amputation the standard sentence for theft of anything valued at over $40. Aggravated theft and many other offenses carry a maximum penalty of cross-limb amputation, i.e., of the right hand and left foot.

As of December 31, 1984, there had been 54 hand and 16 cross-limb amputations. In the same period there were eight public hangings. The first man hanged under the new penal code, in June 1984, was convicted of armed robbery. All of the others executed were convicted of murder. Three were sentenced to posthumous crucifixion after hanging, but the crucifixion was not carried out. No women have been sentenced to amputation or hanging. The exact proportion of non-Muslims and Muslims subjected to these punishments is not available, because neither prison records nor official announcements record the religion or ethnic background of those sentenced. Amputations and hangings continued after the state of emergency was lifted in October. Under the Islam-based criminal code, persons injured by someone committing a criminal act have the option to invoke the right of retribution. (The victim would otherwise accept monetary compensation from the defendant.) For example, in one case, a woman found to have started a fight in which another woman's arm was broken was sentenced to have her arm broken as punishment. There were three reported instances of such punishment in 1984; the others involved two tooth extractions and a stabbing.

Adultery by Muslims and recurrent homosexuality are capital offenses. No capital sentences have been executed owing to the onerous standard of proof required. (For adultery, the testimony of four male eyewitnesses is required before a sentence of death can be imposed.) More circumstantial evidence of adultery or homosexuality has resulted in conviction for "shameful acts." Evidence of adultery has also sometimes resulted in conviction for "attempted adultery." Many people have been convicted of and lashed for these offenses.

### d. Arbitrary Arrest, Detention, or Exile

The Constitution guarantees habeas corpus and requires a court-issued warrant to arrest a citizen. The State Security Act of 1975 authorizes arrest without a warrant and detention without charges for renewable 90-day periods on security grounds. Many persons have been detained for short periods of time under the Security Act, then either released or tried. About 80 people, mainly from the Ansar sect and the Republican Brothers, were taken into custody in mid-1983. In December, Ansar leader Sadiq al Mahdi and his chief lieutenants were released after 15 months detention, as were Republican Brother leader Mahmoud Taha and several followers.

(In January 1985, Taha and four other Republican Brothers were rearrested for distributing anti-Shari'a literature and condemned to death by a civilian court for the crime of apostasy, unless they recanted. Taha was executed when he refused to acknowledge the authority of the court or to recant. The others were granted amnesty, after they had all recanted and sought the court's clemency. After Taha's execution, Sudanese security authorites rounded up several hundred Republican Brothers. Some were later released. Although the Republican Brother movement has been declared heretical and illegal, it is not known whether additional Republican Brothers will be tried.)

At the end of 1984, there were 230 Baathists and communists in detention and an unknown but probably small number of southerners. Nuba priest Philip Abbas Gaboush and 208 others, mostly Nubas and southerners, were detained in late October in connection with an alleged coup plot. As the year ended, their trial before a special criminal court was in process. (In January 1985, Gaboush and the entire group were released when he petitioned the President for amnesty.)

Nimeiri's 1984 state of emergency decree suspended the arrest warrant requirement, habeas corpus, and the right to bail. People found violating the law were arrested on the spot and immediately jailed with no access to an attorney. Most cases were brought quickly to trial. Lifting of the state of emergency restored these suspended rights. However, bail must now be deposited in full, and in cash, prior to release, whereas before the state of emergency a signed guarantee of bail was sufficient.

During the state of emergency, authorities aggressively enforced laws against adultery, hoarding commodities, and possession/trafficking of alcohol. Some married couples found together were jailed for attempted adultery until they could prove they were married. Some merchants with permission to possess excess amounts of controlled commodities were jailed until they could provide proof. Some non-Muslims, for whom sale of alcohol is illegal but possession is not, were arrested for selling alcohol when found in possession of small amounts.

### e. Denial of Fair Public Trial

Current trial procedures have their origins in the state of emergency which was canceled in September 1984. Under the state of emergency, specially-created "emergency courts," later renamed "decisive justice courts," followed summary procedures. These three-man courts consisted of a policeman, military officer, and a civilian regarded as pious but untrained in law. The accused was not allowed to be represented by legal counsel, though an attorney could be present in court as a "friend." Evidence was largely oral testimony by the accused and witnesses. No record was kept. Trials were short, and sentences other than amputation or death were carried out immediately after being decided. There was no appeal. Death sentences had to be approved by the President.

Limited appeal rights reappeared in July with the establishment of a Decisive Justice Court of Appeal. Appeals had to be submitted within three days of sentencing. The Appeals Court generally limited its scope to the question of whether sentence was appropriate. The judge who originally passed sentence also sat on the Court of Appeal, and most sentences were upheld. In two instances, the Appeals Court added hand amputation to a lesser sentence. Once it lowered a death sentence to 40 lashes when the accused changed his confession.

Shortly after President Nimeiri lifted the state of emergency and abolished the decisive justice courts, a new judiciary system was set up along the same lines. Summary procedures continue to be followed in every criminal trial, with no records kept. The accused may now be represented by an attorney, but defense counsel may not cross-examine witnesses. The appeals procedure is unchanged. The Court of Appeal is the final authority for criminal cases and the Supreme Court is not involved. Most of the decisive justice court judges have been appointed to the new judiciary.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Emergency regulations in 1984 empowered the police and armed forces to enter and search private homes and businesses, to stop and inspect all vehicles, and to interrogate any person without prior judicial authorization. Authorities used these powers frequently during the first two months of the state of emergency and with decreasing frequency thereafter. The lifting of the state of emergency formally cancelled these arbitrary police powers. However, under the State Security Act, security forces maintain the power to apprehend and detain persons without a warrant.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Newspapers, magazines, radio, and television in Sudan are under government ownership, and there is little criticism of the Government. Coverage of internal events is largely confined to reports published by the Sudan news agency (Suna) which is an office of the presidency. The monthly English-language magazine Sudanow, however, sometimes contains articles mildly critical of government policies and programs. Foreign publications are generally available in Sudan and are not censored. On occasion, a particular issue of a foreign publication containing an article critical of the Sudanese Government has been withheld from circulation.

Citizens, including senior government officials, openly criticize government policies, including those of the President, in personal expression and display little fear of retaliation. Sudanese often voice strong criticism aimed either at government policies or the advice and conduct of advisors and ministers. Debate in the Assembly is also quite free. However, government tolerance of criticism does have its limits. In August 1984, a man who had interrupted and denounced the President while he was speaking in a mosque, was sentenced to two years in jail and 80 lashes. Suna published the substance of his criticisms, however. (On January 23, 1985, it was announced that he had submitted an appeal for clemency to President Nimeiri and apologized for his actions and was released from imprisonment.)

### b. Freedom of Peaceful Assembly and Association

The Constitution guarantees the freedom to organize labor unions. The State Security Act of 1975 forbids any strike, work stoppage, or collective resignation. Labor is officially represented in the Sudan Socialist Union through two federations which are independent of government control--the Sudanese Workers Trade Union Federation and the Sudanese Federation of Employees Trade Unions. Union membership is estimated at about nine percent of the working population. In both the private and public sectors, unions engage in collective bargaining for wage increases and benefits. Unions, trade associations, and professional groups are permitted to maintain relations with recognized international bodies in their fields. Though freedom to form new trade unions was suspended during the state of emergency, the Sudan Workers Trade Union Federation held its annual congress in May and the Sudan Railway Workers Trade Union completed elections for a new executive committee in late July.

There was a strike by the Sudan's doctors' union from March 1 to April 12 in protest over low government salaries for doctors and poor conditions in hospitals. Though the Government threatened the union's leaders with imprisonment under the State Security Act of 1975, the two sides eventually worked out an acceptable compromise. In May, however, President Nimeiri abolished the doctors' union and all other professional unions on the grounds that they had become too politicized.

### c. Freedom of Religion

Islam predominates in the northern two-thirds of Sudan, while traditional African religions and Christianity constitute the major beliefs in the south. Small Christian communities (Coptic, Greek, Syrian) exist in the north, primarily in the Khartoum area. Many non-Muslim southerners have migrated to the cities in the north in search of work. Under the 1973 Constitution, Islam, as the religion of the majority, and Christianity, as the religion of a "large number" of Sudanese, are recognized as "religions of Sudan." The religious rights of adherents to traditional African religions are not restricted. The Constitution also states that Islamic law and custom shall be the main source of legislation.

In 1984 President Nimeiri proposed a set of amendments to the Constitution which, among other things, would have declared Sudan to be an Islamic republic and made the President its religious as well as secular leader. The peoples' assemblies of all three southern regions passed resolutions urging rejection of the proposed amendments because they would deny full rights to non-Muslims. Southern representatives made similar arguments during debate on the amendments in the

National People's Assembly, which postponed debate in mid-July and adjourned without ratifying the amendments.

Southerners have also opposed the Islam-based criminal code on the grounds that it infringes upon the rights of non-Muslims. Most southerners, as non-Muslims, believe that Sudan's legal codes, based in part on traditional Islamic laws and containing Islamic punishment for certain crimes, intrinsically make non-Muslims second class citizens. While insisting that the new laws are fair because they treat Muslims and non-Muslims equally, the Government has not implemented them in the three southern regions. However, the laws have been enforced on non-Muslims, including southerners, living in the north.

Groups of military and other public employees which included non-Muslims have been required en masse to swear an Islamic oath of personal fealty to the President.

The Government provides financial support to many of the country's mosques and to Muslim educational projects. Islamic missionaries are actively attempting to convert non-Muslims in the south. Attempting to convert Muslims to another religion is strictly forbidden. Christian missionaries freely operate welfare and education projects in the south. The Christian communities of Sudan maintain strong links with their coreligionists outside Sudan without impediment. Non-Muslim Sudanese are represented in all strata of government, security institutions, and private organizations. There is no discrimination in Sudan against any of the various Muslim sects, except insofar as they are politically active. There are three major Muslim political groupings: the Ansar, the Khatmiyya, and the Muslim Brotherhood. The religious practices of these groups are unrestricted, but political activities considered a threat to the security of the state often result in the imprisonment of key leaders. For example, Ansar leader Sadiq Al Mahdi and several of his followers were under detention until their release in December, as were leaders of the Republican Brothers, a very small group. The Khatmiyya are politically inactive. The Muslim Brothers now participate widely in the Government.

Christian-Muslim relations in the Nuban areas of South Kordofan have always been uneasy and tensions have reached a new level of confrontation over the past few months. Authorities recently ordered 16 Christian churches in the Nuba-inhabited area of Heiban in South Kordofan to be closed. A number of local residents and churchmen were arrested for disobeying the order. An Italian priest in Kadugli was arrested, charged with "inciting the people against the government" and two clinics in Kadugli operated by Italian priests and nuns were closed. When Heiban area residents protested, the Chairman of the Higher Council for Religious Affairs and the Deputy Governor of Kordofan ordered the Commissioner of South Kordofan to allow the oldest of the churches to reopen. He has not complied; and two churches in Heiban remain closed and the churches in the surrounding area remain open, except four which were burned down by persons unknown.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Although freedom of movement is constitutionally guaranteed, a constitutional article suspending internal movement in cases of national security is used by the Government to reduce the number of Sudanese and foreign migrants moving to major urban centers.

The Government has taken steps to reduce the flow of Sudanese professionals and skilled workers leaving the country for Gulf states in search of higher salaries. Certain professionals (such as doctors) who have graduated from local universities must spend a fixed term of service in Sudan before being allowed to work overseas. Other categories of technicians in short supply find it difficult to obtain exit visas. Persons currently employed in Sudan who wish to work for an extended period of time in another country must obtain a leave of absence from their employer. The tax on foreign earned income was recently lowered from 10 percent to 2.5 percent.

Sudan currently hosts over 600,000 persons displaced from Ethiopia, about 165,000 from Uganda, and as many as 100,000 from Chad. Despite the tremendous burden on Sudan's food resources and administrative capabilities, the Government has received them hospitably and works closely with the United Nations High Commissioner for Refugees and other international groups to accommodate their needs. Sudan exerts no pressure to repatriate, but discourages them from moving from their placement centers into heavily populated urban areas. During 1984 a small number of Ugandans voluntarily returned to their country. Approximately 60,000 Sudanese have moved across the border into Ethiopia in the past two years due to unsettling political and economic conditions in southern Sudan. The Government has appealed to them to return and promised there will be no recrimination, as long as they do not take up insurgent activities.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

President Nimeiri and his close associates dominate all branches of government, as well as the Sudan Socialist Union, the only legal political party in Sudan since 1971, which selects the sole candidate for the presidential elections. In 1977 Nimeiri's nomination was challenged in the Sudan Socialist Union but he won easily. In 1983 Nimeiri alone stood for nomination, and he received affirmative votes reported at more than 99 percent.

The Sudan Socialist Union seeks to include all sectors of society. The Union must approve all candidates for both the People's Assembly and the regional assemblies, although candidates need not belong to it. The Union rarely rejects a candidacy. All candidates must run on non-partisan platforms.

A degree of legislative branch independence from the executive was demonstrated in 1984 by the National People's Assembly's failure to ratify President Nimeiri's proposed constitutional amendments. The three southern regional People's Assemblies also adopted resolutions opposing them.

In maintaining his power, Nimeiri has over the years pursued twin policies of national reconciliation and decentralization. In 1972 he negotiated an end to the civil war by granting the south special regional autonomy in such local issues as education, culture, and agriculture. In 1977 Nimeiri dissuaded several northern political factions from active opposition but left outside the regime's reconciliation umbrella the Communist Party, Baathists, Republican Brothers, and others. The Ansar headed by Sadiq Al Mahdi, were included in the reconciliation until 1983 when Sadiq broke with Nimeiri. The Muslim Brotherhood has members in the Government, and operates informally but openly to look after its political interests.

After dividing the north into six regions, Nimeiri extended additional decentralization to the south in June 1983 by abolishing the southern regional government and creating three southern regions. Though some southern politicians supported this move, many more southerners opposed it, considering it a violation of the special regional autonomy guaranteed by the 1972 Addis Ababa Accords. Nimeiri had said he was ready to reunite the three regions at the end of an 18-month trial period, if the southerners so desired, but there has been little response to date to his call for dialogue, and the status quo remains in effect.

Signs of southern dissatisfaction with the central Government increased in 1984, taking the form of attacks by growing insurgent groups on government installations in the south as well as public criticism by southern leaders. Southerners point to redivision of the south, introduction of the Islam-based penal code, and the proposal of a constitutional amendment to declare Sudan an Islamic republic as evidence that they receive less than equal consideration in decisions on matters affecting the entire country. The Government has offered amnesty to insurgents willing to lay down their arms and proposed dialogue with southerners to resolve their grievances.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

Sudanese Christian leaders have protested the application of Islamic laws in Sudan, particularly noting that sentences such as severance of limbs and lashing are punishments that "degrade the person" and "dull the morals of the nation." Amnesty International also protested the use of such punishments in several messages to the Sudanese Government in 1984. As a response, the Government has stated that the new laws are based on strict adherence to Islam, which the Government alleges provides greater protection of human rights than Sudan's old secular laws or the laws of many other countries. Amnesty International in its 1984 report (covering 1983) expressed its concern over large scale detentions without trial of political opponents of the Government. Freedom House's 1984-85 rating for Sudan is "not free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

With a per capita GNP of $443 for 1982, Sudan is a poor country. Its developmental potential, particularly in agriculture, is considerable. However, over-ambitious government development plans throughout much of the 1970's, combined with poor financial management, created staggering international debt obligations. Because of its precarious financial position, Sudan has been obliged to restrain imports, seek debt relief through rescheduling, and curtail its development program. In concert with the International Monetary Fund, Sudan has undertaken a number of economic reforms in recent years. Nevertheless, the country's financial situation will remain problematic for years to come.

Sudan's population is 21.1 million, growing at an annual rate of 2.7 percent. The country's area is just under one million square miles. Life expectancy is almost 48 years, and infant mortality occurs at a rate of 118.9 per thousand live births. In 1981, the primary school enrollment ratio was about 48 percent--56 percent of boys and 39 percent of girls. Overall attendance figures obscure, however, dramatically lower rates in rural Sudan, particularly the south. The World Bank estimates that 46 percent of Sudan's population has access to safe water. In 1977, caloric supply as a percent of the daily requirement was 96.8. However, the current drought in much of Sudan has raised the specter of malnutrition in some regions of the country, particularly the west. In addition, the drought has resulted in migration from the northern to the southern parts of Kordofan and Darfur. Migrants from the west have appeared in large numbers near Khartoum. An internationally organized food relief effort was launched in 1984.

In addition to economic constraints, geography and cultural diversity have had an adverse effect upon delivery of government services and income distribution. Vast distances, deserts, swamps, and rain forests impede transportation and communication. Sudan's population includes urban groups, tenant farmers at large irrigated schemes, isolated riverline settlers, nomadic and semi-nomadic herdsmen, and a plethora of tribal groups. If one excluded the population settled along the Nile and the inhabitants of perhaps half a dozen urban centers, the indices for health, sanitation, and education cited above would drop dramatically.

The great cultural dichotomy in Sudan is between the north and the south. Neither is monolithic. In addition to ethnic Arabs, the north includes indigenous tribesmen and descendants of Central and West African settlers. The south is a rich mixture of tribal groups and languages. Generally speaking, however, the north is Muslim and arabized. The south is non-Arabized African and non-Muslim, with animists outnumbering Christians.

Southerners have traditionally felt aggrieved at their treatment at the hands of northerners, and this includes economic matters. The Government is formally committed to the concept of a culturally diverse Sudan. Southerners do fill high positions in the Government, including the second Vice Presidency. But the south remains the most economically backward region in Sudan. However, the poorly developed infrastructure of the south, its lack of access to international markets, and the present emphasis upon the rehabilitation of existing projects as well as Sudan's general poverty, all tend to limit developmental progress in the south. Moreover, much donor aid activity has ceased in the south due to security concerns.

## SUDAN

While the distinction between men's and women's roles in Sudanese society persists, it is not so strong as in many other Arab and African countries. Women are accepted in professions, even though their absolute numbers are small. In rural areas, division of labor exists, but men and women can be seen working alongside one another in some endeavors. The drive to Islamize Sudanese society has not had a dramatic impact upon women's rights thus far. While more conservati attire has been encouraged, the veil has not become mandatory. As a result of the rash of arrests for "attempted adultery" during the early months of the state of emergency, relations between unmarried persons have become more circumspect. Women retain the right to drive automobiles and work openly in offices with men. Female circumcision, though illegal, is widely practiced throughout much of Sudan. Efforts to eradicate it have been unsuccessful.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: SUDAN

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 151.8 | 166.3 | 197.4 |
| LOANS.............. | 25.0 | 50.0 | 50.0 |
| GRANTS............. | 126.8 | 116.3 | 147.4 |
| A.AID ................. | 124.9 | 115.3 | 146.3 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 124.9 | 115.3 | 146.3 |
| (SEC.SUPP.ASSIST.)... | 100.0 | 82.3 | 120.0 |
| B.FOOD FOR PEACE....... | 26.9 | 51.0 | 51.1 |
| LOANS.............. | 25.0 | 50.0 | 50.0 |
| GRANTS............. | 1.9 | 1.0 | 1.1 |
| TITLE I-TOTAL.......... | 25.0 | 50.0 | 50.0 |
| REPAY. IN $-LOANS..... | 25.0 | 50.0 | 50.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 1.9 | 1.0 | 1.1 |
| E.RELIEF.EC.DEV & WFP. | 0.5 | 1.0 | 1.1 |
| VOL.RELIEF AGENCY..... | 1.4 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 101.2 | 44.3 | 46.5 |
| LOANS.............. | 50.0 | 0.0 | 0.0 |
| GRANTS............. | 51.2 | 44.3 | 46.5 |
| A.MAP GRANTS.......... | 0.0 | 43.0 | 45.0 |
| B.CREDIT FINANCING.... | 50.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 1.2 | 1.3 | 1.5 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 50.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 253.0 | 210.6 | 243.9 |
| LOANS.............. | 75.0 | 50.0 | 50.0 |
| GRANTS............. | 178.0 | 160.6 | 193.9 |
| OTHER US LOANS.......... | 0.0 | 27.4 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 27.4 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 65.2 | 132.1 | 91.4 | 1270.1 |
| IBRD | 0.0 | 0.0 | 0.0 | 159.2 |
| IFC | 0.3 | 0.0 | 0.0 | 33.2 |
| IDA | 56.0 | 130.0 | 91.4 | 872.3 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 8.6 | 0.0 | 0.0 | 78.8 |
| UNDP | 0.3 | 2.1 | 0.0 | 82.7 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 43.9 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## SWAZILAND

Although Swaziland is nominally a traditional monarchy, currently ruled by a Queen Regent, political power is now exercised by a group of senior politicans and traditional leaders associated with the Swazi Royal Family. The most important concentrations of power are found in the Liqoqo, a traditional body of advisors appointed by the Crown, and in the Ministers of the Cabinet. In practice, Swaziland's Government features both "modern" and "traditional" branches--a Cabinet, Parliament, and courts which follow Western law, and a tribal system with "national" courts, which follow Swazi law and custom.

The Kingdom attained independence in 1968 with a Constitution that provided for a popularly elected Parliament and for the fundamental rights of the individual. On the grounds the Constitution had introduced political practices incompatible with the traditional Swazi way of reaching decisions by consensus, King Sobhuza II decreed its repeal in 1973. He assumed supreme power and governmental decisions thereafter were made by King-in-Council. Parliament reopened in January 1979 with some members chosen through an indirect selection process, but the King continued to be vested with the country's executive authority.

King Sobhuza died in 1982 and Queen Regent Dzeliwe assumed the duties of head of state. In 1983 there was a dispute over the role and authority between the modern and traditional elements of the Government, which resulted in the replacement of the Prime Minister and the eventual replacement of Queen Regent Dzeliwe by Queen Regent Ntombi. During the same period, Ntombi's son, Prince Makhosetive, was officially declared the heir to the Swazi throne and is expected to become King in the next few years upon completion of certain traditional ceremonies.

Although the authority of the Swazi crown covers a wide spectrum of Swazi life, it is limited in practice by a complex system of traditional rights and responsibilities, which requires that it be exercised in accordance with unwritten Swazi custom. Swazi custom does not allow public dissent against the Government, and those who publicly criticized the Government or demonstrated against the authorities have, on occasion, been suppressed. The Royal Swazi Police are widely regarded as being honest, professional, and efficient, but this image has been somewhat tarnished by reports of police violence against suspected criminals. The judiciary is independent.

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

There were no cases or allegations of political killings by either officials of the Government or opposition political groups.

#### b. Disappearance

There were no reports of disappearances occurring in the country in 1984.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is, as a rule, not practiced in Swaziland. However, following the conclusion of the Nkomati Accords between South Africa and Mozambique in 1984, a large number of African National Congress (ANC) activists, many armed with automatic weapons and high explosives, fled from Mozambique into Swaziland. Swazi efforts to round up these militants resulted in several gun battles during which a Swazi police officer, a soldier, and two ANC personnel were killed and several others were wounded. More than 80 ANC members were eventually apprehended and, with the assistance of UNHCR, relocated in another country. During this period of tension, police authorities beat several militants and persons suspected of being involved with ANC activities.

There were some reports of police threats and beatings in the handling of common criminals. Corporal punishment is permitted under Swazi law, and caning is occasionally administered to youths involved in petty or violent crimes. Police jails are often overcrowded and unsanitary with low standards of food, which probably reflects the country's economic limitations rather than any intent to inflict punishment. The country's main prison includes facilities for teaching manual trades. The health care and diet in the prisons approximate those available to the general population. Prisoners are allowed visits from family members.

### d. Arbitrary Arrest, Detention, or Exile

A 1978 law permits the Government to detain any individual for renewable periods of 60 days without being charged. Although the law provides that such detention shall be made public, no instance of detention under that law has been officially acknowledged until after the detained individuals have been released (although detention usually becomes public knowledge in a short time). Detention is not subject to appeal to the courts, although it may be appealed directly to the Monarch. Immediate family members are usually allowed to visit detainees. The year 1983 ended with 18 Swazis being held in detention. In March 1984, 10 of these were freed with the remainder being released in April. No one was placed under detention during 1984. However, it is sometimes difficult to determine whether a person has been placed in detention or is simply being held under police investigation. Swazi law allows the police to hold an individual for "a reasonable time" without charges; in some cases the period has stretched into weeks. Attorneys have experienced difficulties in gaining access to their clients on the justification that police investigations have not been completed. Habeas corpus may be invoked, but this is an expensive course of action for a suspect with limited means who is being investigated for a minor charge. During the month of November the former Finance Minister, the former Chief of Staff of the Army and the former Army Chief of Logistics were taken into police custody, where they remain. Public statements by the Government have indicated they are being held "for investigation" and not under the detention authority. According to one press report, the former Finance Minister claimed his attorney had withdrawn from his case because of intimidation. In contrast to these cases, an ANC refugee, officially resident in Swaziland, was also taken into custody for several days, but was released by court order after a writ of habeus corpus was filed.

### e. Denial of Fair Public Trial

The right to a fair public trial is provided for by law and is generally honored in practice. The judiciary consists of a Court of Appeals, a High Court, and various subordinate magistrates' courts. The Head of State appoints members of the Court of Appeals and the High Court. Parallel to this modern government structure is a traditional structure consisting of the Liqoqo (Supreme Council of State, which advises the Queen Regent), traditional courts, and 40 regional councils.

In magistrates' courts, a defendant is entitled to counsel at his own expense. Court-appointed defense counsel is provided in capital cases. Defendants are made fully aware of the charges against them. They and their lawyers are generally able to inform themselves of the evidence on which the charges are based. The courts are independent of executive and military control. Appeals from the magistrates' courts may be heard by the High Court, and all final appeals are heard by the Court of Appeals which is the highest judiciary body. These rights are not guaranteed to persons held under the 1978 detention law or charged with sedition.

In traditional courts, where ethnic Swazis may be brought for relatively minor offenses and violations of Swazi traditional laws or customs, legal counsel is not allowed, but defendants are usually heard on their own behalf. Swazi traditional law has not been formally codified, but both offenses and punishments are limited and findings are subject to a review system and appeal to the High Court and Court of Appeals.

In 1983, the Swazi Parliament passed an amendment to the Sedition and Subversive Activities bill which increased the maximum penalty for sedition from 2 years to 20 and permitted the appointment of a special tribunal to hear such cases. It was left to the Prime Minister to appoint the members of the tribunal and determine their qualifications. Proceedings of such a tribunal are held in camera if the prosecution so requests. There is no provision for appealing the tribunal's decision to the courts. It is not clear if the amendment is, in fact, in force and there are no known cases of persons being tried under these new provisions.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Swazi custom places a high value on home and family. In general, Swazi land law requires a warrant issued by a magistrate for search of a home or other premises. However, senior police officers are permitted to search for evidence without a warrant if the suspected crime is of a serious nature, and this procedure is frequently followed. There is no evidence that the Government censors correspondence or commits other violations of the home.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Freedom of speech is limited. The Prime Minister and other officials have repeatedly directed that Swazis critical of the Government express their views only to their chiefs for discussion in traditional Swazi councils. Anti-government demonstrations or leaflets are regarded as seditious and are treated accordingly. The Swazi radio and television stations are government-controlled. A private company publishes a daily newspaper with English and Siswati editions, and there is also a semi-governmental English-language paper which can be quite independent in its views. The media, government-controlled and private, practice self-censorship, most particularly in refraining from critical comment on government activities or on problems dealing with the Royal Family. However, the Government does not precensor newspapers nor have there been reports of a particular edition being seized by the authorities. In 1984, on several occasions, journalists were summoned before officials in connection with controversial stories and threats have been made on the possible closing of a paper. In one instance, a journalist and the paper's editor were interrogated by the police and kept in custody overnight. The Government proscribes publications it deems to be prejudicial to the interests of defense, public safety and order, public morality, and public health. In practice, except for material that is obscene or communist-oriented, the local and international press (which sometimes features reports critical of Swazi political leaders) circulate freely.

### b. Freedom of Peaceful Assembly and Association

The King's proclamation of April 12, 1973, prohibits meetings of a political nature and processions or demonstrations in any public place without the consent, sometimes withheld, of the Commissioner of Police. In September, there were disturbances on the University of Swaziland campus following an attempt to impose a government-appointed student organization. This was followed in October by demonstrations on the campus and in Manzini after the Government expelled a former student leader to South Africa. The demonstration in Manzini was suppressed by riot police, resulting in several students seriously injured and hospitalized. Following these incidents, the University was closed for a short period and the Government appointed a commission to look into the problems at the University. By the end of the year, the Government had still not announced what decisions, if any, it had made as a result of the inquiry.

Except for the prohibition on certain anti-government activity, freedom of association is generally permitted. Employees may, and do, strike and picket. Differences between labor and management can also be taken to the Industrial Court which came into operation in 1983. Under the Industrial Relations Act, unions are required to register with the Government and, to date, six unions representing workers in the fields of agriculture, commerce, electrical power, manufacturing, finance, and transportation have been registered. The Swaziland Federation of Trade Unions participantes in the International Labor Organization and is a member of the Organization of African Trade Union Unity.

### c. Freedom of Religion

Swaziland is traditionally hospitable to all religious beliefs and a great variety of missionaries are active throughout the country. However, since the death of King Sobhuza in August 1982, some difficulties have developed between Jehovah's Witnesses and traditional government officials, and there have been continued reports on disagreements between school authorities and Jehovah's Witness students over singing of the National Anthem and similar matters.

## SWAZILAND

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Swazis may travel freely within Swaziland and can generally obtain a travel document to travel in southern Africa. Obtaining a passport is more difficult and time-consuming. Occasionally the Government refuses to issue a passport if the applicant's travel is considered prejudicial to Swaziland or if the applicant does not appear to have adequate means of support while abroad. Although Swaziland is a signatory to the U.N. Protocol Relating to the Status of Refugees, refugees who leave Swaziland on U.N. travel documents are generally not granted the right to return. Some residents of Swaziland, of mixed ethnic background, have experienced difficulty in obtaining official determination of their citizenship status and therefore have difficulties in obtaining passports.

Swaziland accepts refugees from neighboring countries and treats them adequately. By far the largest number of refugees is from South Africa, primarily ethnic Swazis who fled Zulu administration in the black homeland of Kwazulu. In 1984, Swaziland accepted over 800 refugees fleeing from military clashes in Mozambique. During the same year, the African National Congress accused the Swazi authorities of complicity in handing over to South African security police four members being held in a Swaziland jail. The Swaziland Government denied this charge. In October 1984, a former student at the University of Swaziland, who was born in South Africa, was expelled into South Africa after being declared a prohibited immigrant. He was deported even though he claimed to be a Swazi citizen and had an appeal pending against the deportation action.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Political parties are outlawed and organized opposition to the Government in the usual sense does not exist. Following the completion of its term, the Swazi Parliament was dissolved during the latter part of 1983. A local committee in each of 40 regional councils nominated 4 candidates for the position of electors and the people of each area selected 2. The 80 electors, so chosen, then voted for 40 new members for the lower House of Parliament, the House of Assembly, and 10 additional members were appointed by the Queen Regent. The full Assembly of 50 members then selected 10 Senators and the Queen Regent appointed an additional 10 to make a total of 20 Senators in the Senate. The Head of State must approve all laws passed by Parliament. The Parliament has served occasionally as a forum for examination and criticism of government policies, but matters are seldom pressed to a vote and, when they are, unanimity is usually the result.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Government of Swaziland does not normally respond substantively to inquiries of representatives of human rights groups concerning the welfare and whereabouts of individual political detainees. There are no organizations based within the country that observe, report, or contest human rights violations. In its 1984 Report, Amnesty International noted its concern about detention without trial of opponents of the

Government and about the lack of procedural safeguards with the new sedition law. *Freedom House* terms Swaziland "partly free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Swaziland is an open market economy, with limited government intervention, centered on trade, agriculture, and forestry. The modern sector is dominated by large export-oriented firms, which are frequently foreign-owned, and by the traditional sector, which comprises about 80 percent of the population. Since independence in 1968, Swaziland's per capita gross national product (GNP) has risen from about $300 to an estimated $940 in 1982. Despite this growth, subsistence farmers, who comprise two-thirds of the population, have not kept pace. Total income per resident of rural homesteads for crop year 1983/84 was approximately $375. In 1980 the World Bank estimated that nearly half the rural and urban population were below the poverty line. A recent estimate found that 39 percent of urban families were below the 1983 proverty line. The drought in 1982 and 1983 prevented real economic growth, but the 1984 output of the food crop staple, corn, was the highest in history. From 1971 to 1982, the real annual per capita growth of gross domestic product averaged 1.3 percent per year.

Swaziland's population in mid-1984 was estimated to be 651,000 and growing by 3 percent per year. (The Government estimates are 626,000 and 3.4 percent.) The rapid growth rate limits the amount of land available for cultivation by each homestead. It is difficult for a woman to be allocated land on her own.

Economically, the country suffers from three interrelated and emerging problems: the inability of traditional agriculture to generate consistent food surpluses and provide financially acceptable alternatives to paid employment; the decreasing ability of the economy to generate jobs; and stagnant government revenue and growing inefficiencies resulting in increasing government debt.

The Employment Act of 1980 forbids employers to discriminate among employees based on race, religion, sex, marital status or political affiliation. It requires equal pay for equal work. There are provisions covering the employment of children, maternity leave, and domestic employees. Legally, women are not discriminated against in the job market but, in practice, discrimination occurs frequently. Around three-fourths of the wage paying jobs are held by men; their average wage rate by skill category is higher than for females. An element in the income tax law, which taxed married women more than married men, was partially removed in 1982.

The ability of Swazi women to deal with the problems of a developing society is hampered by both legal and cultural constraints. Traditional values are a major influence on the role of women in Swazi society. Since men are away from their homesteads much of the time, women perform most agricultural tasks and have virtually all responsibility for child rearing and domestic chores. However, they are not given authority to make necessary decisions, to make expenditures to acquire additional capital, or to try new approaches. Women are, in some cases, not legally equal to men, and a married woman is virtually a minor. She is not responsible for contracts she signs, and she cannot own real property or inherit property under normal circumstances. She must obtain her husband's permission to borrow money, to leave the country, and often to take a job. A divorced woman has no right to the custody of her children, although she may have to care for them with no support from their father. A small and growing number of women are beginning to participate in social, economic and political life outside their traditional fields of teaching, nursing, and clerical work. Women have equal access to schools and constitute around half the student body in nearly all institutions.

The overwhelming constraint to truly indigenous development in virtually every area is the shortage of knowledgeable technical and administrative leaders, professionals, and institutions capable of introducing progressive attitudes, systems, and technologies into the society. Primary school enrollment is over 100 percent but, with a large number of overage children in school, only around 80 percent of the primary school-age children are actually in primary school. Standards are low and declining because emphasis has been on meeting the demand for additional school places, not on quality. Intensive efforts have been made to increase the adult literacy rate. The World Bank estimates it at 44.8 percent in 1976; 1982 estimates show a 65 percent adult literacy rate.

Since independence, the Government has invested heavily in improving and expanding health care services. Clinics have been built and put into operation at a rapid rate, placing most Swazis within eight kilometers of some type of health facility. The number of people per physician or nurse is reasonably good, and the society is able to provide an estimated 99 percent of the essential calories per person. Although the crude death rate has fallen from 19 per 1,000 in 1976 to 17.1 per 1,000 in 1984, there are still severe health problems which decrease the quality of life. There is a lack of clean, disease-free water; estimates in 1975 showed only a third of the country had access to safe water. The 1984 infant mortality rate is estimated to be 133 per 1,000 live births, and life expectancy is 56 years. (The Government estimates it to be 48 years).

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: SWAZILAND

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL | 10.0 | 8.0 | 7.6 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 10.0 | 8.0 | 7.6 |
| A.AID | 8.7 | 6.2 | 5.8 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 8.7 | 6.2 | 5.8 |
| (SEC.SUPP.ASSIST.) | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE | 0.0 | 0.4 | 0.2 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 0.0 | 0.4 | 0.2 |
| TITLE I-TOTAL | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL | 0.0 | 0.4 | 0.2 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.4 | 0.2 |
| VOL.RELIEF AGENCY | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST | 1.3 | 1.4 | 1.6 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 1.3 | 1.4 | 1.6 |
| PEACE CORPS | 1.3 | 1.4 | 1.6 |
| NARCOTICS | 0.0 | 0.0 | 0.0 |
| OTHER | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL | 0.0 | 0.0 | 0.1 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 0.0 | 0.0 | 0.1 |
| A.MAP GRANTS | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG | 0.0 | 0.0 | 0.1 |
| D.TRAN-EXCESS STOCK | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL | 10.0 | 8.0 | 7.7 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 10.0 | 8.0 | 7.7 |
| OTHER US LOANS | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS | 0.0 | 0.0 | 0.0 |
| ALL OTHER | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL | 7.1 | 0.1 | 16.2 | 158.3 |
| IBRD | 0.0 | 0.0 | 5.6 | 71.2 |
| IFC | 0.0 | 0.0 | 0.0 | 8.5 |
| IDA | 0.0 | 0.0 | 0.0 | 7.8 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 10.0 | 37.6 |
| UNDP | 0.1 | 0.1 | 0.0 | 11.6 |
| OTHER-UN | 0.0 | 0.0 | 0.6 | 2.6 |
| EEC | 7.0 | 0.0 | 0.0 | 19.0 |

# TANZANIA

Tanzania is ruled by Julius K. Nyerere, who has been President and Chairman of the country's single political party almost continuously since independence in 1961. He has run unopposed in four elections. Opposition parties and candidates are prohibited. Within this one-party system, voters have some choice of contending political candidates for Parliament and local government, and parliamentary members have frequently been voted out of office. Tanzania's military, the Tanzania People's Defense Force, has played a regional role outside Tanzania: it was instrumental in overthrowing the Amin regime in Uganda and has an advisory role in Mozambique. Until recently it maintained a small contingent on the Seychelles.

Tanzania is a single-party "socialist" state, although its legal and parliamentary systems were originally patterned on the British model. Zanzibar is ruled by the same party as is the mainland, but exercises a considerable degree of autonomy; its legal and parliamentary systems differ substantially from those of the mainland. The Chama Cha Mapinduzi, the sole legal political party in Tanzania, controls activity at all levels of society. Through its system of 10-family cells, it monitors even the most remote areas of the country.

In 1984, the economy continued to deteriorate despite government efforts to check the decline. Although Tanzania ranks very high among per capita aid recipients, it remains one of the world's poorest countries. However, the Government has had success in educating its citizens and in bringing social services to the rural population.

Tanzania's party and national Constitutions provide for equal rights to all citizens regardless of sex, race, ethnic group, or status. Zanzibar's new 1984 constitution guarantees freedom of movement, speech, religion, and association. In practice, however, such legal rights have not always been observed, particularly freedom of speech. Both on the mainland and in Zanzibar religion, custom, and rigid tradition, especially in rural areas, often militate against the exercise of these rights, particularly with regard to the treatment and equality of women. Government policy does not permit the use of torture; however, it occasionally occurs. Police officials have been successfully prosecuted and sentenced to stiff terms of imprisonment for torture, abuse, and death of prisoners. Convicts are required to work without pay either in construction or on prison farms.

During 1984, the Tanzanian Government took steps to address several of the problems which had marred its human rights record during 1983. In September 1984, the Government started a preliminary inquiry into the events surrounding the alleged plot by some 30 individuals to overthrow the Government in early 1983. While the defendants remained in custody under the 1962 Preventive Detention Act, under which detainees can be held indefinitely and have greatly restricted visitation and representation rights, the preliminary inquiry was the first step towards bringing the defendants back into the normal legal process. In late December the High Court announced that 19 of the detained would be charged with treason. The fate of the 11 uncharged individuals remains uncertain. On September 24, the Government allowed the extraordinary legislation which was used to launch the campaign against economic saboteurs to lapse. New legislation now affords persons accused of economic sabotage the full protection of Tanzania's legal systems. However, those persons charged under the previous legislation will still be tried by special tribunals, which do not provide full procedural safeguards. Finally, the Human Resources Deployment Act of May 1983, which requires local governments to ensure that all residents are engaged in lawful, productive activity, was unofficially suspended in late 1983 while the Government formulated plans to institute the Act without massive roundups and deportations to the countryside. In an effort to revive the Act and to implement it in a systematic way, Dar es Salaam city officials conducted a census on December 2 and 3, 1984. Nonetheless, there are few signs that active implementation of the Act will begin soon.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

There have been no reports in 1984 of politically motivated killings.

#### b. Disappearance

There is no evidence of any cases of disappearance of individuals because of either governmental or non-governmental actions.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Tanzanian Government opposes the use of torture as a matter of policy. Nonetheless, there have been indications during the past year that torture has at times been inflicted by police and prison authorities. There is widespread belief in Dar es Salaam that many of the 30 individuals arrested in early 1983 for their participation in an attempted coup d'etat were tortured. There were also reports that some individuals detained during the government campaign against "economic saboteurs" were beaten. Beating of detained individuals by the police almost invariably takes place at the time of apprehension or when the arrested person is first taken to the police station. In 1984, two policemen were held for killing people in two separate incidents involving unlawful use of force.

Tanzania's prisons are generally unhealthful, unsanitary, and overcrowded. The overcrowding was severely exacerbated by the large influx of detainees as a result of the Government's arrest of more than 4,000 people in 1983 and 1984 during the "economic saboteur" roundups. Prison conditions are largely a result of Tanzania's economic difficulties and not a deliberate government effort to subject prisoners to inhuman conditions.

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Traditional defense groups in Central Tanzania called Sungu Sungu or Wasalama, encouraged by both government and party officials in 1983 and 1984 to help eliminate theft in some areas, often used extreme tactics and occasionally took on the appearance of vigilante groups. In late May, armed clashes between over 3,000 Sungu Sungu and villagers led to the death of 47 Sungu Sungu and the arrest of about 100 villagers. In June, 16 members of the Sungu Sungu went on trial for the murder of 2 villagers who were suspected of cattle rustling.

### d. Arbitrary Arrest, Detention, or Exile

Under the 1962 Preventive Detention Act, police and security officers can, with a written order from the President, arrest and detain indefinitely any person considered dangerous to public order or national security. Such detainees have no recourse to the judicial system once the authorities present a valid detention order to a magistrate. There have been cases, however, where the detainees have been freed when the authorities could not produce the order. Under this Act, a committee was established to oversee the treatment of detainees; the committee reportedly meets only sporadically. The Act further requires that the detainee be informed of the reasons for detention within 15 days. This is rarely done. Persons held under this Act do not have the right to be visited by lawyers or family as is permitted other prisoners.

While exact figures are unavailable, some 1,000 individuals were detained in 1984 under presidential decree for alleged violations of the Economic Sabotage Act. Since adoption of the new legislation on September 24, 1984, which placed persons newly accused of economic crimes within the normal judicial processes and cleared the backlog of "economic sabotage" cases, the number of persons held under the Preventive Detention Act has dropped considerably to approximately 500.

In January 1984, several people in Zanzibar were arrested in connection with the resignation of Aboud Jumbe as President. Wolfgang Dourado, who had been the Zanzibar Attorney General, was linked to persons seeking a dissolution of the Union of Zanzibar and the mainland and was detained under the Preventive Detention Act for 15 weeks. Several prominent persons who had been held under the Act for several years were released without explanation in 1984. This group included Abdul Haji, former leader of the Aga Khan Society and a prominent member of the Ismali community. In recent months, the Government seems to have moved away from the policy of holding people under the Preventive Detention Act instead of pressing criminal charges. Tanzania does not exile citizens.

Tanzanian law requires that a person arrested for crimes other than the security violations discussed above appear within 24 hours before a magistrate to be charged. The prosecution may ask that the accused be detained for 14 days without bail and may request extensions of the period. In practice, when authorities have not followed proper criminal procedures, defendants have successfully overturned convictions on appeal. Despite the legal safeguards, the Deputy Minister of

Home Affairs revealed in March that an estimated 4,000 persons had been held for periods of up to 6 years because of incomplete police investigations. In May, a woman who had been held for eight years without trial was released for lack of evidence.

### e. Denial of Fair Public Trial

The mainland legal system is based on the British model with modifications to accommodate customary and Islamic law in civil cases. Criminal trials are open to the public and the more sensational are covered by the press. While an independent judiciary is constitutionally mandated, some members of the legal community, including judicial officers, have complained that the legal system is being corrupted through bribery. Although the allegations remain largely undocumented, there is at least one confirmed report of a magistrate demanding a bribe to issue a court order. There has been no suggestion that the Court of Appeals and the High Court are corrupt. Judges are appointed by the executive with the advice of the Chief Justice.

The court system on Zanzibar, which has considerable autonomy, was revised by the Zanzibar Constitution promulgated in late 1984. Under the system used throughout 1984, defendants could not be represented by attorneys, but could request a relative or neighbor to represent them as long as no fee was paid. With the exception of High Court judges, no members of the Zanzibar judiciary were required to have any training in the law. The Supreme Council, which could review decisions made by the High Court, was attached to the Revolutionary Council and accountable to its President. There existed, therefore, considerable possibility of political interference in the judiciary in Zanzibar.

Under the new Zanzibar Constitution, which should be implemented in 1985, People's Courts, which did not provide defendants with normal legal procedures, were abolished. The court system will be integrated into the legal system of the United Republic of Tanzania for the first time. High Court judges will now be required to have both a degree in law and several years' practice prior to appointment to the bench. Defendants will be allowed the right to legal representation. The new Constitution retains Islamic, or Kadhi, courts to deal with marriage, divorce, inheritance, and childcare cases involving only Muslims. Cases concerning constitutional issues and Islamic law will be appealable only within the Zanzibar courts; for the first time, all other cases may be appealed to the Court of Appeal of the United Republic of Tanzania.

The passage of the new law on economic sabotage in 1984, which replaced the Economic Sabotage Act of 1983, appears to have ended a period in which many perceived that the Government sought to circumvent its inability to obtain convictions within the regular court system. However, the special tribunals, established under the Economic Sabotage Act of 1983, which will remain active until cases entered before September 24, 1984, are completed, bypass normal legal procedures by suspending rules of evidence, the right of representation, and the appeal process.

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Although the situation appears to have improved, there have been reports of government harassment of attorneys in controversial cases, such as the coup trial which was reactivated in late 1984; and individual government employees, on occasion, are accused of using their offices to attempt to influence decisions. The High Court has asked magistrates to report any such attempts. Military courts do not try civilians, and there are no security courts. Defendants in civil and military courts (but not in the recently abolished special tribunals) may appeal decisions to the High Court.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Through the party structure, the Government intervenes in the private lives of people. The Chama Cha Mapinduzi has party cadres covering the smallest units of society. The "ten-cell" leader is the party official responsible for monitoring events and resolving problems at the grass-roots level. "Ten-cell" leaders receive an introductory session of evening classes on political indoctrination. Individual cells vary in size from single-family homes to large apartment buildings. Hence, individual ten-cells may have anywhere from 20 to several hundred individuals. Ten-cell leaders, who are unpaid, act as intermediaries between individuals and the Government and are required to resolve problems which the people in their area may have. They also monitor store rationing to ensure "equitable" distribution and report to government or party authorities any suspicious behavior or events within their neighborhood.

The party permits exceptions to be made for police to search without a warrant for unemployed persons and under other special circumstances. There also have been numerous instances of forced entry, search, and harassment of persons suspected of economic crimes. There is evidence that mail is sometimes opened and read by authorities, although the opening of mail is exceptional. Those who are not considered productively employed are not allowed to remain in urban areas. Some have returned voluntarily to their home regions; others have been returned under escort or sent to other rural areas selected by the Government and forced to work.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

These freedoms are limited in practice. The mainland Government owns the only English-language daily newspaper, the National Press Agency, and the mainland radio facility. The Zanzibar Government operates a radio and television station. The Swahili-language paper, which has a daily circulation of 100,000, is owned by the party. There is one monthly Catholic paper with a circulation of 120,000, which covers largely religious news. "Urusi Leo," a Soviet publication, has a weekly circulation of 25,000. The official media, as organs of the state, usually present a unified point of view on important policy matters and do not criticize the premises of overall government domestic or foreign policies. The Government has encouraged criticism by the media of corruption, mismanagement, and "economic sabotage," and permitted publication of frank letters to the editor which are often highly critical of abuses of the system. Radio discussions and symposia have proposed wide-ranging changes in Tanzania's form of government. This criticism is allowed in the context of officially sanctioned debate on the new constitutions. Tanzanian citizens show few inhibitions about expressing criticisms of the system in private conversations. Visiting foreign reporters have considerable freedom, including access to government and party leaders. Academic freedom of inquiry is officially guaranteed; however, in practice, most academicians, relying on the government-run educational system for their livelihood, appear to limit their exploration of sensitive subjects. The importation of foreign books and periodicals is severely limited by the acute shortage of foreign exchange.

### b. Freedom of Peaceful Assembly and Association

The fact that Tanzania is a one-party state limits the freedom of public assembly and association. Legal political gatherings may be organized only by the party or its subgroups. The Government has cracked down on student demonstrations in recent years and ensured that student organizations are party controlled. Students are inhibited from public criticism by concern that their future employment prospects may be jeopardized.

There is one labor union which is run by the party; no other unions may operate. Strikes are prohibited by law. All businesses and government offices with more than a few employees are required to have a union chapter. At the local level, the union is charged with promoting employee welfare. It has little influence on labor policy. Few professional associations exist and those that do are carefully non-political.

The International Labor Organization remains concerned about convict labor in prisons and several ordinances requiring work by adults in communal agriculture and development projects. In March 1984, six peasants in Litapuasi village in southwestern Tanzania were convicted of refusing to do work on a communal farm. The ILO is especially concerned about the Human Resources Deployment Act (see d. below).

### c. Freedom of Religion

Tanzania is an essentially secular society which permits freedom of religion. The population of the mainland is roughly one-third Christian, one-third Muslim, and one-third animist. There appear to be no political or social advantages or disadvantages attached to membership in any given faith on the mainland. While there has been a degree of controversy in overwhelmingly Muslim Zanzibar regarding state support of certain mosques, Zanzibaris are generally free to practice any faith they choose without interference.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Apart from the Zanzibar requirement for travel documentation between Zanzibar and the mainland, the Government generally does not restrict travel within the country. Tanzania continues to require its citizens to follow national employment directives stipulating the nature of employment and where they reside. For years, city dwellers have been the subject of police checks for proof of employment. Those without proper documentation have, in some cases, been forced to return to the countryside in an effort to control increasing pressure on urban resources and to reverse declining levels of agricultural production. The Human Resources Deployment Act of 1983 requires local governments to ensure that every resident within their area of jurisdiction engages in productive or other lawful employment. Those persons who do not are subject to transfer to another area and will be required to engage in lawful and gainful employment (as defined by the Government). While this Act has not yet been fully implemented, authorities expect that the most affected group will be the young school-leavers who have migrated from the countryside to the urban areas in search of work. The Government still prosecutes peasants who return to their old villages without permission.

In late 1983, the Dar es Salaam regional authorities launched a series of sweeps designed to net the unemployed. Thousands were arrested and hundreds were sent out from Dar es Salaam to work on national coffee, tea, cashew nut, sugar cane, or sisal plantations. In January, 1,623 people were rounded up in Dar es Salaam, 225 of whom were detained for further questioning as unemployed. While large-scale roundups ceased in January, on May 26, 157 people were arrested in Dar es Salaam for loitering and being unemployed.

Implementation of the Human Resources Deployment Act has been delayed while municipal authorities search for ways of enforcing it without the abuses that marked the October 1983 sweeps. In an effort to revive the Act, the Dar es Salaam City Council conducted a house-by-house survey of all urban residents on December 2-3, 1984. Plans call for other city governments to conduct similar surveys. After the surveys, those who are unemployed or unproductively employed could be repatriated to their home villages or sent to yet-to-be-established centers where they will be engaged, presumably, in agriculture or in small craft workshops.

During the height of the campaign against "economic saboteurs" in 1983, roadblocks were ubiquitous. During 1984 the number of roadblocks declined significantly in the country as a whole, but in areas where surplus crops were produced, roadblocks reappeared to prevent the private movement of food within the country. On November 1 the Government instructed regional governments to end all roadblocks aimed at stopping the free flow of food in Tanzania. The only other roadblocks are in border areas and in areas where disease or poaching are a problem.

There are no restrictions on repatriation. The Extra-territorial Jurisdiction Act empowers the courts to try Tanzanians who commit offenses outside the country. Passports are required for foreign travel and can be difficult to obtain. Those who are successful in obtaining a passport must still obtain tax clearances and approval from the Central Bank to buy tickets. In practice, those planning to emigrate are subject to intense scrutiny by police and tax authorities. Those who do leave the country without authorization are subject to prosecution. Although it is legally possible for citizenship to be revoked, there have been no reports recently that this has been done.

In 1983, President Nyerere was awarded the Nansen Prize of the United Nations High Commissioner for Refugees for his outstanding assistance to refugees. There is a refugee population of about 100,000 of whom approximately 80 percent are from Burundi, the rest mainly from Uganda and Zaire. Some 30,000 Rwandans were offered naturalization in 1980, although only a few have so far acquired Tanzanian citizenship. The same offer of citizenship is expected to be made to the Burundians when they become self-sufficient. In general, the same services and rights available to citizens are offered to refugees insofar as local resources permit. Tanzania's refugee acceptance is largely limited to persons from contiguous countries. Refugees from other countries are required to find resettlement elsewhere. South Africans who entered Tanzania as members of "liberation" groups are in a different category and are allowed to remain in the country. However, those who resign or are expelled from their "liberation" organizations are refused work and residence permits and several have been imprisoned. The United Nations High Commissioner for Refugees remains actively engaged in resettling over 100 former members of such groups.

In October 1983, Tanzania and Kenya exchanged some two dozen of their respective nationals who had settled in their two countries as political refugees. Because many of the individuals had been recognized as refugees by both governments and the United Nations High Commissioner for Refugees (UNHCR), the exchange was viewed by some foreign governments and by the UNHCR as a violation of refugee rights and agreements, and led to representations by U.N. officials to the Tanzanian and Kenyan Governments.

In late 1983 and early 1984, over 10,000 Banyarwanda with large numbers of cattle were reported to have entered Tanzania from Uganda. The Tanzanian Government believed that these people were Rwandan refugees who had already been granted refuge in Uganda and was therefore reluctant to accept them for permanent refuge in Tanzania. Following several rounds of discussions with Ugandan authorities, and after careful screening of the Banyarwanda, the Tanzanian Government discovered that the situation had been exaggerated and that it was only dealing with some 3,000 people, of whom only about 150 had arrived in 1984. The 3,000 people were placed in a camp and as of the end of 1984 were awaiting resettlement elsewhere in Tanzania.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Political activity is forbidden except within the party. President Nyerere directs the party structure and bureaucracy, which are the dominant forces in the country. There are no overt opposition groups, although the coup plot discovered in January 1983, and the publicity associated with the trial of the plotters in late 1984, suggested at least some internal opposition to the regime. Some Tanzanian nationals living abroad who consider themselves political exiles advocate a change of government. Under the Constitution which was in effect throughout 1984, one-half of the national parliament was chosen in elections, with only limited choice of contending candidates approved by the party. The other half was composed of members appointed by the Government and the various "mass organizations" associated with the party. The new Union Constitution adopted in late 1984 will increase the proportion of representatives chosen in elections. Any citizen is free to enter the first stage election process. The National Executive Committee of the party chooses at least two candidates from a list provided by each constituency to compete in the general election. Voters have registered dissatisfaction by sending incumbent members of Parliament to defeat. Following recent changes in the party constitution, candidates will be rank-ordered on the ballot according to their party record. Party membership and, hence, active participation in the political process are not open to anyone engaged in private business. This includes landlords and directors and shareholders of private companies. The restriction is not uniformly applied, but serves as a mechanism of control over party members. The business community traditionally consisted largely of Asians, but is slowly being joined by more and more Africans.

Zanzibar has its own House of Representatives. Under the 1979 Zanzibar Constitution which remained in effect throughout 1984, its powers were severely limited and only 10 of its 97 members were directly elected. The new Zanzibar Constitution which was promulgated at the end of 1984 appears to have satisfied broad-based public demand for a more popular, representative, directly elected legislature in Zanzibar. Under the new Constitution the House of Representatives will have from 40 to 55 directly elected members, and only 15 members will be appointed, 10 by the President of Zanzibar and 5 by the Women's Committee of Zanzibar.

Julius Nyerere has run unopposed in the four presidential elections since independence. While voters have the option of voting "no" by secret ballot or staying home, local party officials bring pressure to bear in elections to ensure a high turnout. There have been reports of election fixing and intimidation of village leaders both on the mainland and on Zanzibar. In an effort to break down ethnic and linguistic distinctions, the election code requires that campaigns be conducted only in Swahili and prohibits references to ethnic and regional origin. An appeal process is available to candidates who feel that the code has been violated, and a number of appeals have been successful.

Women have been encouraged to take an active role in politics and government. Using its powers of direct appointment, the Government has ensured that about 20 percent of the membership of village councils is female. In late 1984, there were 2 women cabinet ministers, 1 woman on the 18-member Central Committee of the party, and 13 women on the National Executive Committee.

The party's proposal to change the country's Constitution attracted widespread public debate within Tanzania. Criticism ranged from the basic form of government and the single party political system to the question of the nature of the union between the mainland and Zanzibar. The party and the Government were not required to heed the public's desire, but the constitutions which were promulgated were different from those which were originally proposed. Both the Union Parliament and the Zanzibar House of Representatives introduced amendments to the draft constitutions presented to them. After debate, which was covered extensively by the media, both drafts were adopted with revisions added by the legislators.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

Tanzania is a party to U.N. convenants on human rights and has signed but not yet ratified the Organization of African Unity Charter on Human and People's Rights. Tanzania is a member of the UN Human Rights Commission. The International Labor Organization has raised the issue of forced labor a number of times with the Tanzanian Government. In its 1984 report (covering 1983), Amnesty International expressed concern about indefinite detention without charge or trial, and about the involuntary repatriation of refugees to Kenya. However, some of the detainees about whom Amnesty has in the past inquired have been set free, and in 1984 there was an apparent return to a general regard for the rule of law. The Government's concern for international opinion was evident in its decision to release foreigners detained in the economic sabotage campaign provided they left Tanzania, as well as in its decision to release Wolfgang Dourado from detention in May 1984. Individuals can appeal to the Permanent Commission of Enquiry, established in 1965 as a balance to the possibility of abuse of power in a one-party state. Freedom House considers Tanzania "not free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Tanzania had a 1982 per capita gross national product of $270, a 10 percent decline from 1981. More than 90 percent of the population of about 21.1 million are peasant farmers living in rural areas. The official population growth rate was 3.2 percent in 1984; the actual rate is probably higher. Unemployment and underemployment have traditionally caused serious social problems in the cities. These problems have become more acute as the country's economic situation has worsened.

The economy has suffered considerably from a sharp drop in agricultural output. Government pricing policies, traditionally designed to keep consumer prices low for urban dwellers, and a consistent pattern of late payments to producers and shortages of necessary items, such as fertilizers, have contributed to a decrease in the growth of export crops by producers. Many of these farmers have increasingly reverted to food crop agriculture. Recent producer price increases, consumer price hikes, and more systematic payment to producers by state-owned enterprises represent government efforts to reverse this trend.

There has been a parallel decrease in the output of manufactured goods, primarily due to poor management in state-owned enterprises and an inability to finance imports of raw materials and spare parts. The economy has suffered further from worldwide inflation, high energy costs, and continued low prices for export crops.

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The Government continued efforts to expand health and education facilities. Since independence in 1961, life expectancy has risen from 42 to 52.9 years. Infant mortality remains high, largely as a result of malnutrition and the resulting lack of resistance to disease. More than 42 percent of the population had access to clean water in 1982, up from 39 percent in 1975.

Since the institution of free and compulsory education for all in 1977, the vast majority of children of primary school age have been enrolled. There is growing public demand for more emphasis on basic education, and concern over the severely restricted number of places in secondary schools and universities.

Adult education is available and encouraged. According to World Bank figures for 1978, 73.5 percent of the adult population is literate. United Nations Educational, Scientific, and Cultural Organization statistics for 1980 indicate that 79 percent of the adult population is literate, the highest literacy rate in Africa. This represents an increase of more than 69 percent in the literacy rate since 1960. In practice, tradition and social attitudes have seriously limited the participation of women beyond the primary school level. In addition, women suffer disproportionately from the increased abuse of the examination system which now allows a significant number of unqualified students to enter secondary schools.

For most of Tanzania's ethnic groups, women's traditional role has been that of mother and field laborer, and women are still proportionately underrepresented in government, the professions, and in skilled occupations. Social limitations on the role of women are particularly pervasive on Zanzibar. Women in many parts of the country continue to suffer discriminatory restrictions on inheritance and ownership of property because of concessions to custom and Islamic law. Customary and Islamic law in many areas dictate that daughters receive smaller shares of their father's property than do sons. Although the practice is declining, female circumcision is still performed by a minority within some 20 of the country's 120 mainland ethnic groups. Notwithstanding the obstacles, the Government has made progress in its efforts to ensure equality for women, especially in the urban areas where traditional values have a weaker hold on the population. The Union of Tanzanian Women, a wing of the party, is dedicated to the eradication of inequality of women in all spheres of society.

The Asian community, estimated at 40,000, is both culturally and economically exclusive, a business-oriented minority in a society committed to "socialist" policies. Although official government policy is one of equal rights for all citizens, reports of harassment and discrimination against Tanzanian Asians by individual government officials are widespread. In recent months, there have been reports that harassment of the Asian community is declining and the Asian entrepreneurs are being encouraged to invest in areas previously reserved to the public sector.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: TANZANIA

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 19.6 | 7.9 | 6.4 |
| LOANS.............. | 5.0 | 5.0 | 0.0 |
| GRANTS............. | 14.6 | 2.9 | 6.4 |
| A.AID ................ | 10.8 | 0.0 | 1.2 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 10.8 | 0.0 | 1.2 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 7.4 | 6.5 | 3.9 |
| LOANS.............. | 5.0 | 5.0 | 0.0 |
| GRANTS............. | 2.4 | 1.5 | 3.9 |
| TITLE I-TOTAL.......... | 5.0 | 5.0 | 0.0 |
| REPAY. IN $-LOANS..... | 5.0 | 5.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 2.4 | 1.5 | 3.9 |
| E.RELIEF.EC.DEV & WFP. | 0.7 | 0.1 | 2.0 |
| VOL.RELIEF AGENCY..... | 1.7 | 1.4 | 1.9 |
| C.OTHER ECON. ASSIST... | 1.4 | 1.4 | 1.3 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 1.4 | 1.4 | 1.3 |
| PEACE CORPS...... | 1.4 | 1.4 | 1.3 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| | | | |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| | | | |
| III.TOTAL ECON. & MIL... | 19.6 | 7.9 | 6.4 |
| LOANS.............. | 5.0 | 5.0 | 0.0 |
| GRANTS............. | 14.6 | 2.9 | 6.4 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 111.7 | 74.2 | 38.9 | 1288.4 |
| IBRD | 0.0 | 0.0 | 0.0 | 310.2 |
| IFC | 0.0 | 0.0 | 3.9 | 11.0 |
| IDA | 75.0 | 46.8 | 35.0 | 780.9 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 8.6 | 22.4 | 0.0 | 97.9 |
| UNDP | 14.7 | 5.0 | 0.0 | 15.4 |
| OTHER-UN | 13.4 | 0.0 | 0.0 | 61.0 |
| EEC | 0.0 | 0.0 | 0.0 | 8.0 |

# TOGO

The Government of Togo is authoritarian. Power is firmly centralized in the hands of President Gnassingbe Eyadema who is also Head of the Army and of the only legal political party, the Rassemblement du Peuple Togolais. The Eyadema Government has been in power since 1967. Its legal authority is based on a written constitution adopted by national referendum in 1979. Only party members can participate in the political process. As head of the party, President Eyadema dominates the executive, legislative, and judicial functions of government. The Government's control of the elements of coercion, and the wide recognition that it is willing to use them, are important factors in maintaining its authority. Some administrative arrests and detentions without trial continue.

Togo was officially designated by the U.N. General Assembly as one of the "least developed countries among developing nations" in 1982. Its economy is heavily agricultural, with only one mineral product (potash), and a population which is growing rapidly. Togo's economy is experiencing the restraints currently familiar to countries exporting a few primary products that do not include petroleum. It nonetheless has a flourishing commercial sector and encourages private enterprise. The right to own property individually and in common is protected by the Constitution and is respected by the Government in practice.

The attitude of the Government toward human rights is influenced by a variety of security threats, both internal and external. There is no provision under Togolese law and judicial procedures for protection of the integrity of the person. Habeas corpus is not recognized, no specific law prohibits torture, and the judiciary is not independent. At the same time, the Government of Togo is concerned about its international reputation, and in 1984 played an active role in the U.N. Human Rights Commission.

## RESPECT FOR HUMAN RIGHTS

## Section 1 Respect for the Integrity of the Person, Including Freedom from:

### a. Political Killing

During 1984, there were no reported instances of killing for political motives in Togo. There were no reports of deaths perpetrated by opposition groups, insurgents, or terrorists.

### b. Disappearance

In 1984, there were no reported instances of disappearances in Togo.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Detention without trial of suspected opponents occurs, and Amnesty International noted in its 1984 report the disappearance of one person in 1983. Togolese authorities have been enjoined by President Eyadema from torturing detainees. However, some released prisoners and trial defendants have claimed to have been beaten and have alleged that their confessions to the police were obtained either by threat or application of physical coercion. There were several such reports in 1984. Poor prison conditions appear to be the consequence of Togo's poverty. Lome's central prison is crowded, and facilities are rudimentary with limited space, light, and ventilation. Food and medical care are reported to be barely adequate by local standards. In facilities outside Lome, reports describe overcrowding, poor sanitation/hygienic conditions, and inadequate food service. At these prisons, families are allowed to visit and to provide food. Only military and paramilitary personnel are granted access to Togo's three military prisons in Lome, Kara, and Temedja. In 1984, there were no new reports on prevailing conditions in Togo prisons, although past reports described forced marches, hard labor, and beatings imposed on prisoners in both military and civilian prisons.

### d. Arbitrary Arrest, Detention, or Exile

The Togolese legal system does not include the right of habeas corpus, nor does this right exist in practice. Detention without trial or administrative detention is used in Togo against those whom the Government considers guilty of "crimes against the public trust" (i.e., corruption or political opposition thought to pose a security threat). Those held in administrative detention are usually not formally charged and cannot obtain redress through the courts. Preventive detention has no fixed term.

Reports indicate that the national gendarmerie has almost unlimited power to arrest and detain persons in Togo for whatever reason. Present practice allows any permanent officer of the gendarmerie to arrest and detain persons without seeking prior permission or submitting a subsequent report. There are reported instances of gendarmerie officers being bribed to make arrests as a solution to personal disputes not having any relation to matters of state, security, or local laws. These arrest cases are not subject to the usual judicial review.

Prisoners accused of crimes unrelated to political security are usually held for no longer than 48 hours prior to indictment or provisional release pending investigation. No legal basis exists to prevent authorities from holding a person beyond that time without charge. Administrative sanctions against officials have also included suspension from their jobs and assignment to residences in their home villages, where they are required to report weekly to the regional gendarmerie office. There was one reported case of this type in 1984. The number of detainees held by the gendarmerie in its Lome prison, outside the structures of local judicial process, varies but has been reported to be as high as 50. Detentions made by the military are processed through the military judicial system. There is no functioning system of bail in Togo.

### e. Denial of Fair Public Trial

Pretrial proceedings are sometimes protracted. A crowded court docket and shortage of judges inhibit speedy trials. Defendants accused of nonpolitical crimes are generally accorded the right to a public trial and the right to be represented by counsel. When the defendant cannot afford the cost of an attorney, counsel is appointed by the Government. An attorney is accorded permission to talk with the defendant privately. Defendants and counsel are formally notified of charges in writing. Special courts, handling security, embezzlement of public funds, and violent crimes, observe the same standards of justice as regular courts. Togo's judicial system is not independent of the executive branch and is open to political interference in those trial cases important to the Government.

President Eyadema publicly stated in 1980 that Togo had six political prisoners. This referred to persons convicted of crimes against the state. In January 1982, President Eyadema announced the release of two of these persons, Kouassivi Alphonse de Souza and Abdo de Souza. Unconfirmed reports, which do not include names or any other case specifics, estimate that perhaps up to 200 political detainees are currently held in Togolese prisons. It is unknown what portion may have committed acts of violent protest. The number of political exiles is unknown, but is believed to number about a dozen.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government does not force individuals to be members of Togo's sole political party. But anyone who wishes to have influence in Togo's political process must be a party member. Monitoring of correspondence and telephones exists. It is generally believed that the Government and political party maintain extensive networks of informants in all important sectors of Togolese society in order to monitor dissident activity. Authorization by a judge or senior police official is normally required for physical searches of private residences in both civil and criminal cases. In matters determined by the Government to involve national security, searches without formal authorization are permitted.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Freedom of speech is restricted, and a free press does not exist in Togo. The Government owns and operates the media and does not permit publication or circulation of material criticizing its policies or officials. From time to time, some cabinet ministers and mid-level government functionaries are accused of corruption and/or ineffective implementation of programs. This is reported in the media. In the past, authorities occasionally have confiscated issues of foreign publications containing articles considered to be critical of the Government. This did not occur in 1984. Academic freedom is permitted only in nonpolitical fields.

### b. Freedom of Peaceful Assembly and Association

The right of assembly is strictly controlled. Prior government approval must be obtained before large groups may assemble. Approval for such gatherings is a political question and is at the discretion of the Government. This discourages protest or political meetings. The single national trade union federation, La Confederation Nationale des Travailleurs du Togo (CNTT), is controlled by the national political party. All workers are required to organize under its banner. The federation serves to convey to workers the Government's views and requirements. On basic economic issues, it does represent workers' concerns to the Government. All major sectors of the Togolese work force are unionized. The right to strike exists and has been exercised on occasion in the past. In such instances, the Government counseled the striking workers and the strike was ended without physical coercion or arrests of striking union members. Professional groups are enjoined to avoid political action. The CNTT is a member of the continent-wide Accra-based Organization of African Trade Union Unity (OATUU).

### c. Freedom of Religion

Freedom of religion usually prevails in Togo, although Jehovah's Witnesses were banned by government decree in 1979, and are not recognized by the Government of Togo as a religious group which has a right to conduct services, proselytize, or otherwise carry out religious activities in Togo. There are no known prescribed legal penalties for being a Jehovah's Witness. It should be noted that no specific religion is favored by the Government. There is no requirement for religious groups to be licensed by the Government. With the exception of Jehovah's Witnesses, open practice and teaching of religion is permitted. There is no restriction on publishing strictly religious material. Foreign clergy are allowed to proselytize. Local religious groups are permitted contact with similar organizations in other countries. No restrictions exist on religious travel. Religious affiliation is not an impediment or help to advancement in Togo and is compatible with membership in Togo's only political party.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Free movement, including domestic and foreign travel, emigration, and the right to change residence or workplace, is allowed in principle for Togolese and foreigners. Domestic travelers do encounter security and customs-related official roadblocks throughout the country. Passport issuance is restricted by the Government in order to control the number of professional Togolese who emigrate and also to keep known political dissidents under close scrutiny. Except for a few political exiles, Togolese who have chosen to reside in other countries may return at will. Togo has traditionally welcomed refugees, as well as displaced persons.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

President Eyadema holds a monopoly of power in Togo. There are, however, institutions permitting some participation in decision-making where the President is not directly involved. The Political Bureau of the single political party, and the larger Central Committee, permit discussion but ratify all government decisions. The Political Bureau is chosen by the President with the concurrence of the party congress, which meets every five years. The national Constitution specifies that the Central Committee include members who are chosen by the party congress, some of whom are Cabinet members. Others are drawn from the single trade union, youth and women's groups, and private commerce. Membership in the party as a whole is open to all citizens and is estimated at one million. Frequent meetings of the party at various levels serve both to pass down government policy and to a lesser degree to provide the Government some feedback.

Active participants in the party may express their views at party meetings on issues such as the implementation of policy and the behavior of subordinate officials. There is, however, no challenge to the President's political program and the Central Committee's decisions. During the last election in December 1979, President Eyadema was the only candidate. He received 99.7 percent of the votes cast. Togo has a 67-member National Assembly which debates certain categories of proposed legislation as defined by the Constitution, but has no real power to reject proposed laws. The National Assembly can and does require ministers to justify their budgets, and it gives sanction to policy decisions. The President of the National Assembly also holds office in the party Central Committee. National Assembly members are elected on a national constituency basis. Only one party list is presented to voters. All regional ethnic groups and both sexes are represented within the single party political system. The Government thus claims that all groups participate in it. Women have not traditionally had a role equal to men in the political process in Togo, but their participation is encouraged. Currently, 4 women serve on the 22-member Central Committee of the party.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

In October 1982, the Togolese National Assembly ratified the African Charter on Human Rights. Togo also hosted a 1982 conference on human rights practices in Africa. In 1983, the International Committee of the Red Cross established a regional office in Lome. Togo participated constructively in the Human Rights Commission in Geneva in 1984.

The Government of Togo has in the past invited international organizations such as Amnesty International to visit Togo to investigate charges of human rights violations. Since 1979, Amnesty International and the Government of Togo have exchanged public comment about human rights violations in Togo. In its 1984 Report, Amnesty noted its main concerns in Togo to be detention without trial of suspected political opponents of the Government and allegations of torture of detainees, as well as harsh prison conditions. Freedom House rates Togo "not free." There are no internal human rights organizations based within Togo that report on or observe human rights violations.

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Togo is listed among the U.N. General Assembly's least developed among developing nations. With a GNP per capita of $344.40 (1982) for a population of 2,927,000 (1984) and a relatively resource-poor land mass of only 56,000 square kilometers, Togo faces many endemic problems and has in addition suffered from declining prices and/or sales of its major exports of phosphates, cocoa, and coffee. In the late 1970's Togo made major investments--many of which have been unprofitable--in industrial projects and tourist infrastructure, but the primary focus of governmental development policies over the past five years has been on increasing agricultural production. Togo is virtually self-sufficient in food in normal climatic conditions, and average diet provided 89.83 percent of caloric requirement (1977).

## TOGO

Among the more than 40 ethnic groups in Togo, the coastal southern tribes have historically been the most populous, best educated, and most prosperous due to contact with the West and to more favorable climatic and geographical conditions. One of the Government's major objectives over the past two decades has been to channel resources into the traditionally poorer northern areas of Togo. Despite these efforts, discrepancies persist in the level of economic and social development between the north and the south.

Inadequate governmental resources have limited efforts to improve health and sanitation levels in Togo, although Ministries for Public Health, Social Affairs, and Education typically receive large shares of the regular national budget (40 percent of the 1983 budget). Life expectancy at birth is 48.04 years, and the infant mortality rate is 108.70 per thousand. On a nationwide basis, there is only one doctor for every 18,100 people (1980) and one nurse for every 1,430 people (1980), although the Government operates 21 hospitals and nearly 300 dispensaries or clinics throughout the country's 21 prefectures. For the country as a whole, about 16 percent of the population (1975) has access to safe water; in urban areas, the figure rises to around 50 percent, while dropping to 10 percent for rural areas. Forty-two percent of the urban population is estimated to be living below the absolute poverty level (1978).

Education has also been a major focus of government policy. School attendance is theoretically compulsory until age 15. The adult literacy rate was cited by the World Bank as 15.9 percent in 1970. Since many children beyond normal primary school age (6-11) typically are still enrolled in primary schools, the overall primary school enrollment ratio is 110.52 percent (1981). For males, this ratio is 137.29 percent and for females 85.01.(1981), although governmental policies call for and practice equality of the sexes.

The economic and social rights of Togolese women are spelled out in the "Family and Individual Code" which was adopted in early 1980. Under this code, women's rights include the ownership of property, control of all money earned, and maternity leave benefits. Article 88 of the labor code stipulates equal pay for equal work, qualifications, and production for both sexes. Women dominate local market activities and commerce with Togo's neighbors. They often amass considerable wealth. Formal equality under the law and success in the local marketplace do not mean total equality for all women throughout Togo, however. Traditional law places barriers in the path of women seeking to break with custom. Civil law, for example, recognizes a woman's property rights, but customary law gives all property to the male in the event of separation or divorce. Economic conditions in rural areas also often leave women little time for anything other than carrying water, finding firewood, cooking, caring for the family, and helping to raise food crops. The Government has undertaken a campaign to make women throughout Togo aware of their expanded opportunities under the new family code. The Government's priority emphasis on developing water resources in rural Togo should also help to mitigate one of the most onerous burdens on rural women, that of carrying water over long distances.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: TOGO

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 7.7 | 7.7 | 9.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 7.7 | 7.7 | 9.0 |
| A.AID ................. | 3.4 | 3.4 | 3.9 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 3.4 | 3.4 | 3.9 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 1.9 | 1.9 | 2.9 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 1.9 | 1.9 | 2.9 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 1.9 | 1.9 | 2.9 |
| E.RELIEF.EC.DEV & WFP. | 0.8 | 0.7 | 0.9 |
| VOL.RELIEF AGENCY..... | 1.1 | 1.2 | 2.0 |
| C.OTHER ECON. ASSIST... | 2.4 | 2.4 | 2.2 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 2.4 | 2.4 | 2.2 |
| PEACE CORPS...... | 2.4 | 2.4 | 2.2 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 7.7 | 7.7 | 9.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 7.7 | 7.7 | 9.0 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 23.9 | 87.6 | 23.1 | 427.9 |
| IBRD | 0.0 | 0.0 | 0.0 | 3.5 |
| IFC | 0.0 | 0.0 | 0.0 | 0.0 |
| IDA | 5.5 | 81.2 | 0.0 | 211.3 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 10.8 | 6.4 | 23.1 | 89.3 |
| UNDP | 3.2 | 0.0 | 0.0 | 29.6 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 3.8 |
| EEC | 4.4 | 0.0 | 0.0 | 90.4 |

## UGANDA

The Republic of Uganda is a parliamentary democracy which in 1984 suffered grave human rights violations. It is governed by the Uganda People's Congress (UPC), a party led since its founding in 1960 by President A. Milton Obote. Returned to power in 1980 by national elections after the disastrous Amin years (1971-79), the UPC controls all levels of government, including appointments of local officials. While a national party, it has its primary strength among the northern ethnic groups. The opposition Democratic Party (DP) is weak nationally, but has strong allegiance among 40 percent of the nation's population, especially the Baganda, living predominantly in the 10 south-central districts, an area which includes the capital, Kampala. Within democratic structures, ethnic, military, religious, and economic strife has dominated politics; intimidation and violence, rather than compromise and tolerance, have been frequent.

The Amin years left a legacy of violence, aggravated ethnic conflict, undisciplined but well-armed military units, and economic deterioration that is only slowly and painstakingly being addressed. In 1984 armed insurgency in a portion of south-central Uganda (the so-called Luwero Triangle) grew in intensity and continued to pose a serious challenge to stability. The Government also faced banditry in the northwest, large-scale cattle raiding and accompanying violence in the northeast, and ethnic strife in the southwest. The security and human rights situation has been worsened by an ill-disciplined army. In the Luwero triangle alone since 1981, insurgency--and military reaction to it--has disrupted the lives of possibly 1,000,000 persons, mainly of the Baganda ethnic group. An estimated half-million people may have been forced from their lands, losing virtually all of their possessions. Tens of thousands have died as a result of insurgent terrorism and government counter-operations as well as from starvation, illness, and exposure induced by the upheaval. From December 1983, when Uganda's key military leader, Chief of Staff David Oyite Ojok, died in a helicopter accident, through August 1984 when a new Chief of Staff, Brigadier Smith Opon-Acok was appointed, there was a general decline in the security situation. Following the naming of the new Chief of Staff and other key military promotions, there was an effort by the Government to instill better discipline within the armed forces.

Grave human rights violations in Uganda occurred during 1984, including large numbers of extralegal killings and detentions on the one hand by insurgents and on the other by military, UPC, and government agents. A trend toward the return of law and order, due process, economic recovery, increased security, and respect for human rights in general--all of which showed signs of improvement through late 1983--underwent very serious setbacks in 1984, particularly in the Luwero and Karamoja regions. These were caused by a combination of continued military indiscipline, the inability of the Government or military either to crush or to come to terms with the insurgents, a lack of resources, bureaucratic inefficiencies, general disorganization, short-comings in public-service ethics, corruption, and a lack of faith in the economic future needed to stimulate investment, manage rampant inflation, and restrain capital flight.

## UGANDA

On the positive side, the greater portion of Uganda geographically has experienced improved security since the UPC returned to power four years ago. Foreign advisors and experts continued to provide development and emergency assistance as well as military training. With some notable exceptions, soldiers were taken off roadblocks in most parts of the country, returned to the barracks in large numbers, and increasingly went unarmed when off duty. Meanwhile, regular police forces grew in competence and, although constrained in politically sensitive cases, were better able to protect much of the citizenry from lawlessness. Agricultural production outside the Luwero triangle and turbelent Karamoja, for example, has progressed undeterred. In an important political development, the Democratic Party for the first time since 1980 held major public meetings including an international political conference in Kampala.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

Extralegal deaths through murder and starvation continued in 1984 and took place in military barracks housing detention centers at Kampala, Luwero, and Nakasongola, as well as at Bondo and Arua in the West Nile. Motives for extralegal killings are varied, ranging from common criminality to guerrilla terrorism and political intimidation and revenge. The number under extralegal military and civilian detention at any one time is estimated to be in the hundreds. In at least one military installation, the survival rate may be less than 50 percent as a result of beatings, starvation, and illness due to overcrowded and unhygenic conditions. Deaths due to such treatment and conditions could have been in the hundreds in 1984. The Government has denied that such extralegal detention centers exist, but has refused the International Committee of the Red Cross access to military and civilian installations alleged to house such centers.

Political assassinations and murder with possible political overtones continued in 1984 from both anti-government and pro-government sides. While precise figures are not known, the number of such deaths could be in the dozens in the Kampala area. In January, four European citizens, one with the United Nations and three under contract to the European Communities, were shot to death in what is suspected to have been an attempt to embarrass the Government on the eve of an international meeting in Paris. The killing of the Deputy Chairman of the Civil Service Commission in April and the murder of a prominent physician and former ambassador in August may have been politically motivated. In September, a Soviet military attache was shot and wounded at his residence in what is purported to have been an assassination attempt. Insurgents killed at least one foreign missionary in the Luwero Triangle and wounded several relief workers in separate incidents.

#### b. Disappearance

Reports of disappearances through abductions in 1984, particularly in south-central Uganda, were common. Abductions by the military were also reported in the West Nile region.

Disappearances were the result of guerrilla activity and of unsanctioned criminal activity by military or civilian security forces and for political purposes as well as for extortion. There were also reports of politically motivated abductions and extralegal detention of opposition Democratic Party members in both southwestern and eastern Uganda. Not uncommon, particularly in the Kampala area, were reports of persons who were abducted by military or civilian security elements and who were subsequently transferred to police custody. One such case involved the 19 year old daughter of an opposition Member of Parliament (who himself had disappeared under unexplained circumstances in January when he was accused of implication in the murder of four expatriates). The daughter was held without charge for over four months first by the military and later by civilian intelligence and police authorities in turn. In January 1984, 11 Red Cross employees--7 Ugandan citizens and 4 Europeans--were kidnapped; 9 were released or escaped within 2 days while 2 were held for 3 weeks.

There were reports in 1984 that Ugandan intelligence operators kidnapped Ugandan refugees living in Kenya and allegedly returned them to Uganda where they were jailed without trial. In April 1984, the United Nations High Commissioner for Refugees called this matter to the attention of the Kenyan Government.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Credible reports of torture continued to surface frequently. Physical abuse, or the threat of it, is employed as a method of interrogation during extralegal as well as legal detentions. The Government does not sanction such abuse but acknowledges that security forces at times engage in it. Although the Government has stated that persons guilty of inflicting torture will be punished, there is no firm evidence that disciplinary actions against offenders are either consistent or proportionate to the crime. Torture includes burning and beatings which at times result in death. Deprivation of food, water, and medical attention is also employed as a means of torture and execution.

Reports of violence and degrading treatment against displaced persons in the Luwero Triangle continued in 1984. The Government used its own resources, as well as foreign military advisers and trainers, to improve military discipline. Nevertheless many cases of abuse by both insurgents and military elements were reported. Women and young girls in large numbers suffered rape, and there were continued indications of forced concubinage. There were, in addition, reports of children being abducted and forced to work as servants to military members. Looting of homes, schools, churches, farms, businesses, and other private and public property took place both in the Luwero Triangle and in areas of Kampala, much of which was done by people wearing military uniforms. In Karamoja, there were eye witnesses and other credible reports of brutality against the civilian population by both cattle raiders and government security forces.

In some instances, men, women, and children have been forced by some soldiers to harvest without compensation crops which were sold for the soldiers' profit.

## UGANDA

In early 1984, the army, civilian intelligence elements, and the UPC youth group continued operations against insurgents and their suspected supporters in the Luwero Triangle. Reportedly non-combatants attempting to flee from insurgent-held territory were indiscriminately fired on by soldiers. An unknown but apparently large number of people were killed. Displaced persons in organized centers were arbitrarily removed in February by both military and civilian intelligence agents, and many have not reappeared despite continued searches. In one case approximately 60 males apparently suspected of being guerrillas or guerrilla sympathizers were removed from among the estimated 10,000 inhabitants of the displaced persons center at Nakitoma in Northern Luwero district. Only one is known to have survived.

Senior government leadership sought to improve discipline and control of both military and civilian security forces. However, in at least three large-scale incidents during the year, there were serious abuses of the civilian population by the Ugandan army. In January, army and militia forces were ambushed by heavily-armed cattle raiders in the Moroto district of the Karamoja region. Casualties were said to be in excess of one hundred. In response, the military attacked and destroyed a village near Kangole, killing an unknown number of noncombatants. Additionally, throughout the Karamoja region frequent military attacks against women, children, and older people were reportedly carried out during the first eight months of 1984 in which hundreds may have been killed. In the Luwero Triangle thousands were unaccounted for during 1984, of whom many may have perished from military and insurgent excesses, starvation, disease, and exposure in a situation exacerbated by the military blocking delivery of emergency relief supplies to the civilian population. Following the February 20 insurgent attack against military and police installations at the district capital of Masindi, in which an estimated 50 military personnel and civilians were killed, the army retook the city after insurgents had withdrawn. The operation lasted two days and an unknown number of townspeople were killed. It is not known whether there was disciplinary action taken against those responsible for the incident. In late May, at the well-known Namugongo religious shrine near Kampala, soldiers responded to a guerrilla attack and assaulted Roman Catholic, Protestant, and Muslim shrines and houses of worship, as well as two boarding schools and nearby villages, reportedly killing more than 100 persons over a three-day period. The Government acknowledged involvement of military personnel in the incident and reportedly arrested some soldiers for participation in the massacre. However, there is no known evidence of further official legal action having been taken.

There were also reports of improved treatment of civilians by military personnel in 1984. In combat areas of the Luwero Triangle and elsewhere, there were non-commissioned and commissioned military commanders who were praised by villagers for attempting to improve military-civilian relations. A military detachment providing security at one of the larger United Nations High Commissioner for Regugees (UNHCR) refugee camps was also praised for carrying out its duties in a professional, community-oriented manner. On balance, by late 1984 there was some evidence that newly promoted army leadership was having some success in improving the military administration and discipline.

### d. Arbitrary Arrest, Detention, or Exile

Persons in Uganda are subject to arbitrary arrest and detention. There are believed to be 2,000-3,000 persons held without indictment or charges, the great majority because of suspected anti-government activity or sympathy. Their number, however, is not known with any precision. With the cooperation of the Ugandan Government, the ICRC successfully conducted an extensive survey of civil prisons and police stations in 1984. Among those detained for a period of time in 1984 were eight journalists, from three different newspapers, apparently for articles critical of the Government. It is believed that a total of seven journalists are currently detained under the Public Order and Security Act. The journalists are: John B. Kyeyune; Andrew Mulindwa; Anthony Ssekeweyama; David Kasujja; John Owino; Paskale Butere; and John Musoga.

While only the Uganda police have the legal power to arrest civilians, military as well as other non-police security elements routinely place persons in detention at military, police, and intelligence establishments. Search and arrest warrants are seldom used, and persons detained often do not appear before judicial authority within the required 24 hour period. Bail is granted, but reportedly often not in a timely manner or impartially. Intervention by senior government and party officials, as well as bribery or ransom are reportedly often necessary to gain release from either legal and extralegal detention.

Although the Government does not practice either internal or foreign exiling of its opponents, there are some 300,000 Ugandans who have sought refuge abroad. In addition, as many as 500,000 have been displaced by conflict within Uganda. The vast majority of refugees fled to Eastern Zaire and Southern Sudan in the aftermath of the liberation war. About 40,000 Banyarwanda fled to Rwanda and Tanzania in 1982 and 1983. The Government repeatedly has invited self-exiles to return home as part of its policy of reconciliation and no revenge, but there were reports that several returnees to the West Nile region had been killed or beaten. Nevertheless, some 20,000 refugees have returned to Uganda. A number of politically prominent exiles returned in 1984, in some cases receiving wide media coverage. However, for the majority, security and economic conditions, in addition to political opposition, apparently remain primary reasons why they remain abroad in self-exile.

### e. Denial of Fair Public Trial

The legal profession is respected, but there continue to be reliable reports of harassment of attorneys, including detention of some lawyers suspected of being politically opposed to the Government or ruling party. Magistrates and judges are reportedly not always independent or impartial.

There are no special courts which hear political or security cases. However, the Government is in the process of establishing a legal department within the military which will have responsibility for implementing court martial procedures. At present, military members enjoy near immunity from civilian authority. There are procedural safeguards patterned after British law, including the granting of bail and appeals to higher courts. However, legal safeguards often are not applied because of the over-burdened court system as well as partisanship of the prosecution, judges, and defense.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

During 1984 there were numerous reports of small-scale raids on the homes of politically active persons opposed to the Government. Many of these may have been simple armed robberies; others seem to have been the outgrowth of personal, economic, or political rivalries. Many reportedly were carried out by heavily-armed men in military and police uniforms. In September a United States citizen tourist in Kampala was assaulted without warning in a public market. He was hit over the head with an iron bar causing a compound depressed fracture of the skull. After the victim fell to the ground, several men dressed in military uniform joined in and began kicking him and then robbed him. It was subsequently revealed that the attackers had mistaken the American for an insurgent leader to whom he bore some resemblance.

In Southwestern Uganda tens of thousands of Banyarwanda, who fled to UNHCR refugee camps in 1982 and 1983, remained in those camps. There was, however, no large-scale communal violence against the Banyarwanda as had happened in the two previous years. Of over 10,000 who have applied for Ugandan citizenship and whose claims were adjudicated by lawyers retained by the Government of Uganda, none has been informed officially of the results.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Criticism of the Government by the opposition in Parliament and in the media is generally tolerated. Political discussions were frequent and generally uninhibited. Kampala's independent press reported extensively on security incidents, alleged abuses of human rights, and what it called shortcomings of government leadership. As noted in 1d, however, in addition to those already incarcerated, the Government detained eight journalists for a period of time in 1984, from three different newspapers, apparently for articles critical of the Government, and these arrests have raised concern for the welfare of the journalists and freedom of the press. There is also evidence that government security elements held DP members under close surveillance, and separately persons were harassed apparently because of their public or private political stands. The international press has been allowed to cover Ugandan events with few restrictions, although entry visas can be difficult, and in some cases seemingly impossible, to obtain (see section 4).

The Government owns and operates radio and television stations and also controls the most widely-read English-language daily newspaper. On occasion, these media include factual reporting of DP positions, but they show a distinct bias in favor of the UPC.

### b. Freedom of Peaceful Assembly and Association

While subject to political pressures at times, the right of assembly and association in Uganda is generally respected. Non-political events and gatherings--including sports, theater, fund raising events--abound. Political events sponsored by the UPC are numerous throughout Uganda and receive heavy coverage in the government-controlled media. National celebrations, including Independence Day, are given a UPC bias by government officials. In 1984 the opposition Democratic Party held a number of major public gatherings, including a national convention in October. With government cooperation, including disciplined police security, the public rally in Kampala drew thousands of DP supporters to celebrate the 30th anniversary of the Party's founding.

Trade unionism remained limited and subject to government-party influence. UPC "workers councils" continued their attempt to supplant traditional trade unions. Severe shortage of funds within the unions kept them weak. There were a few wildcat strikes during 1984, but organized sector-wide strikes and other labor protests were absent.

Professional associations of doctors, attorneys, engineers, and accountants operate largely without hindrance, as do international associations such as Rotary, Lions, YMCA, and YWCA.

### c. Freedom of Religion

There is no state religion in Uganda. Islamic, Christian, and African traditional religions are freely practiced. Conversion between religions is not obstructed. Religious leaders frequently speak out publicly on their followers' welfare, addressing in particular human rights, security problems, and politically sensitive questions. The UPC is to some extent identified with the Church of Uganda (Anglican) while the Democratic Party is identified with Roman Catholicism. However, followers of various religions are found in both parties. Ethnic divisions and traditionally associated religions have spilled over into both local and national politics as the various groups vie for power.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There is freedom of movement, residence, and choice of workplace throughout Uganda. There are, however, restrictions in south-central Uganda because of insurgency and insecurity in the Luwero Triangle. In 1984, while there was an increase in roadblocks in many areas of the country for several months, by October many had been removed.

In the northwest, security conditions did improve in 1984, although possibly 250,000 of a 1980 estimated West Nile region population of 812,000 may remain as refugees in Sudan and Zaire, having fled there following the fighting since 1979 between remnants of Idi Amin's army and the Ugandan army. In northeast Uganda, beginning late in 1983 and lasting much of 1984, killing and marauding by heavily-armed cattle raiders--principally warriors of the Karamojong people--generated a military response. The fighting may have killed thousands and made homeless additional tens of thousands, as both sides failed to discriminate between combatants and noncombatants. In the southwest one of Uganda's largest ethnic groups, the Banyarwanda--whose estimated 1,000,000 population may include 300,000 persons who have sought refuge in Uganda since fleeing Rwanda in 1959--continued to be discriminated against by the population among whom they live, as well as by a Government which publicly has demonstrated little sympathy for them.

Lack of foreign exchange continued to inhibit international travel in 1984, but persons were not otherwise hindered by the Government to travel abroad.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

President Obote and the Uganda People's Congress have ruled Uganda for 12 of the Nation's 22 years of independence. The Parliament comprises 156 members of whom 136 are directly elected, 10 are specially elected by the other members of Parliament, and 10 are appointed members of the military forces. Parliamentary proceedings are patterned after the British system.

Four political parties took part in the December 1980 parliamentary elections--the Uganda People's Congress (UPC) led by A. Milton Obote, the Democratic Party (DP) led by Paul Kawanga Ssemogerere, the Uganda Patriotic Movement (UPM) led by Yowere Museveni, and the Conservative Party (CP) led by Mayanja-Nkangi. The UPC won 74 seats; the DP, 51; the UPM, 1; and the CP, none.

In the 1980 election, a Commonwealth observer team reported flaws but concluded overall that the election reflected a valid political exercise. However, the Democratic Party had by 1984 lost 16 of the 51 seats it won in the 1980 elections and had only a limited voice in Parliament or local government even in DP-controlled constituencies. The decrease was the result of eight "crossovers", two suspected assassinations, three self-exiles, two detentions (one charged and being tried for treason; the other uncharged), and one disappearance. Museveni now leads the insurgent forces, the National Resistance Army, operating primarily in the Luwero triangle region.

While there are members from all ethnic groups in the UPC, the Government's central structure is drawn mainly from northern ethnic groups (including the Langi, Acholi, and Iteso, who together comprise some 20 percent of the country's total population), and is supported by several strong leaders and a portion of the population from the southwest, primarily Banyankole (approximately eight percent of the population). The Democratic Party, on the other hand, draws its leadership as well as its support primarily from southern Uganda, principally from Uganda's largest ethnic group, the Baganda (an estimated 16 percent of the population), as well as a portion of the Banyankole.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Government is sensitive to allegations of human rights violations in Uganda appearing in foreign government statements as well as international media. An ambassador was expelled from Uganda in October 1984, allegedly because of media reports in his country critical of human rights practices in Uganda. The Government has disagreed publicly with United States Government statements and western media reports on human rights conditions in Uganda. At the same time, the Government has encouraged and actively assisted a number of journalists from major American and other Western news media to travel to and report on Uganda. Senior government officials made themselves available to foreign media representatives, as well as to visiting foreign officials to discuss the human rights situation in Uganda.

Non-governmental organizations--including religious groups--and United Nations agencies worked with the Government in development programs throughout the country. An emergency relief administration was set up within the Prime Minister's office to coordinate assistance and resettlement for persons displaced in the Luwero Triangle. However, there were government, party, and military elements which impeded both the Government's and relief organizations' efforts to deliver relief to noncombatants. This situation was caused in large measure by the growing intensity of the conflict and government regulation.

The International Committee for the Red Cross (ICRC), which returned to Uganda in 1983 after being expelled in 1981, rapidly expanded its program of prison visits, tracing, family reunification, and emergency assistance in the Luwero Triangle. The largest of the non-governmental organizations in Uganda, the ICRC, at its peak in 1984 had nearly 50 expatriate employees. The Uganda Red Cross continued to be very much in the forefront of relief efforts and other public service work. However, its efforts in the Luwero Triangle were severely reduced during the second half of 1984. The League of Red Cross societies, Oxford Famine Relief, and Save the Children Fund also continued their emergency and resettlement efforts in the Luwero Triangle and elsewhere. Acts of violence against foreign employees of international relief organizations continued in 1984. In January eleven ICRC workers were kidnapped by anti-Government forces. Nine of the ICRC workers were released within 48 hours; however, a Frenchman and a Ugandan were held captive for three weeks. In September a vehicle belonging to a team of German Emergency Doctors (GED) was ambushed in the Luwero Triangle. The ambush resulted in the wounding of a British nurse and a German nurse and the death of a ten-year-old child. This incident played a large part in the GED team's decision to evacuate its hospital on October 4.

Amnesty International in its 1984 report (covering 1983) expressed concern about the wide-ranging detentions without trial of alleged opponents of the Government. Freedom House rates Uganda "partly free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Uganda has great potential, particularly in the agricultural sector, with assets including fertile soil, regular rainfall, and substantial mineral deposits such as copper and cobalt. The Amin era, however, severely damaged productive enterprises, and Uganda remains a very poor country. The Obote Government, with IMF assistance, introduced strong economic reform measures starting in 1981, and growth was impressive in some areas between 1981 and 1983 but slowed in 1984 as the overall security climate worsened. The rate of inflation, which the Government had demonstrated great discipline in curbing, increased substantially in 1984. Coffee is the source of over 90 percent of Uganda's foreign exchange earnings, and economic growth was further hindered by a restrictive internationally agreed coffee export quota.

## UGANDA

While there are constraints on the private sector (e.g., the Government monopoly on the purchase for exports of key agricultural crops), the Government encourages a free-market economy. Public and private sector wages were increased significantly in 1984 as were commodity prices paid to farmers. However, taxes were lowered thereby calling into question the Government's ability to pay the higher salaries and prices. By late-October the International Monetary Fund and the Government were meeting to discuss a proposed additional standby agreement. At the same time, the value of the Ugandan shilling deteriorated in the second half of 1984, and there were increasing signs of capital flight, suspected to be generated by corruption and lack of faith in the country's economic future.

In general, while international and bilateral financial and development assistance institutions continued to support Uganda's economic recovery program in 1984 and despite the considerable progress in some areas, overall levels of economic activity remained well below peak levels of the early 1970's. The per capita GNP in 1982 was estimated by the World Bank at only $210.40.

Uganda's estimated population is 14,265,000 with an annual growth rate of 3.2 percent. Life expectancy at birth is 47.8 years. Health infrastructure, which was devastated during the 1970's, continued to be one of the Government's top priorities in 1984. Infant mortality is one example of the breakdown in health care. According to UNICEF, one village near Kampala experienced an infant mortality rate of 32 deaths per thousand in the late 1960's; this had risen to over 90 in 1984. The national average now stands at 92.6. In areas of the Luwero Triangle the rate is estimated to be in excess of 300 infant deaths per thousand. During the year, a major multi-year immunization program was begun by the Government in conjunction with UNICEF and Save the Children Fund. Rehabilitation and expansion of medical services continued focusing on primary health care for children and women. Wide-ranging family planning programs, fully supported by the Government, were also being implemented.

Women are not legally discriminated against or officially restricted from education or employment. They are active in politics at the grass-roots level and hold several senior positions in both the UPC and DP National Executive Committees. Women are found throughout the professions and civil service. In Government, women serve in senior positions in the offices of the President, Vice President, Attorney General, and Chief Justice. In the 24 ministries, the most senior women are the Deputy Minister for Health and the Permanent Secretary for Lands, Mineral and Water Resources. There are 10 additional senior-ranking women in 9 of the ministries.

Along with medical services, the Government has made rehabilitation of the educational infrastructure--internationally renowned in the 1960's and a notable casualty of the Amin period--a top priority. While public funds are short, many self-help groups formed by parents, teachers, religious, and other civic groups provide much of the material and labor to rehabilitate local schools. The Government backs such undertakings enthusiastically. In 1981 the primary school enrollment ratio reached 64.6 percent and adult illiteracy rate was set at 47.4 percent with the female illiteracy rate 14 percent higher than the male.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: UGANDA

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 7.4 | 7.8 | 9.1 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 7.4 | 7.8 | 9.1 |
| A.AID ................. | 7.0 | 7.6 | 9.1 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 7.0 | 7.6 | 9.1 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 0.4 | 0.2 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.4 | 0.2 | 0.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.4 | 0.2 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.2 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.4 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.1 | 0.1 | 0.1 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.1 | 0.1 | 0.1 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.1 | 0.1 | 0.1 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 7.5 | 7.9 | 9.2 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 7.5 | 7.9 | 9.2 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 113.2 | 140.0 | 164.0 | 652.9 |
| IBRD | 0.0 | 0.0 | 0.0 | 8.4 |
| IFC | 0.0 | 9.7 | 2.9 | 15.8 |
| IDA | 109.0 | 124.0 | 123.0 | 488.0 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 38.1 | 65.3 |
| UNDP | 4.2 | 1.1 | 0.0 | 53.8 |
| OTHER-UN | 0.0 | 5.2 | 0.0 | 21.6 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## ZAIRE

Zaire is a centralized one-party state. President Mobutu Sese Seko, who seized power in 1965, heads both the Government (appointing the Prime Minister and his Cabinet) and the party (appointing the members of its highest organ, the central committee). The President has the constitutional power to promulgate laws by decree. In theory, authority is shared with the popularly elected Legislative Council. In practice, however, the Parliament rarely disagrees with presidential decisions, although decrees are usually preceded by consultations with party leaders and legislators.

The single party, the Popular Movement of the Revolution, automatically includes all adult citizens as members. The Executive Council (Prime Minister and Council of Ministers), the Legislative Council (unicameral Parliament), the judiciary, and the only labor union (National Union of Zairian Workers) are organs of the party. The party-state derives its ideology from the ideas and policies of its President-founder, Mobutu Sese Seko. A complex of security organizations, notably the civilian National Documentation Agency, the gendarmerie, and the armed forces (particularly the intelligence branch and the Special Presidential Brigade) share responsibilities for identifying and controlling potential internal and external threats to Zaire and the Mobutu Government. These organizations wield broad powers and influence, which allow harassment and detention of ordinary citizens as well as political opponents of the Government.

Zaire borders on nine other states, some of which have served as bases of operation for secessionist movements and political opponents against Zaire. During the transition from the colonial era to independent statehood, civil war and anarchy overwhelmed the impotent central government. Mobutu's takeover in 1965, with the support of the armed forces, enabled the central government to consolidate power. The country was invaded in 1977 and again in 1978 by rebels based in Angola seeking secession of the southern region of Shaba (formerly Katanga). Of a lesser magnitude, there was renewed instability in 1984, with bombings at the airport, post office, and television station in Kinshasa, and the seizure of the town of Moba in eastern Zaire for two days by a rebel force in November.

Zaire has a mixed economy. Though most mining and transportation activities are state-owned, private enterprise is the rule in the other sectors, with the state often holding a minority equity position in larger firms. Individuals are permitted to pursue business interests in almost all sectors of the economy and are allowed to hold property. Zaire shares the economic problems of most sub-Saharan African countries, including low income levels and inadequate infrastructure and health care. The global recession, compounding more than 10 years of low-base metal prices, has had a severe effect in Zaire. After several unsuccessful attempts, Zaire launched a serious, extensive economic reform program in January 1983.

The human rights situation in 1984 was mixed. Practical limits on political expression and dissent continue. Harassment of citizens by law enforcement personnel and inordinate delays in processing detainees remained serious problems. Still, several positive developments occurred which indicate greater governmental sensitivity to shortcomings in the human rights area. In June, five members of the "Group of 13," former parliamentarians who advocated formation of a second political party, held a press conference with President Mobutu to announce their reintegration into the official party after having been arrested in 1982, then banished to their home villages in 1983. Nonetheless, several members of the Group of 13 continue to be confined to their villages. The International Committee of the Red Cross (ICRC) resumed its program of prison visits in mid-1984, both in Kinshasa and the interior, with full cooperation from the Government. Justice ministry officials expanded recent efforts to improve the administration of justice at the local level, including a series of seminars for magistrates and lawyers on arraignment procedures and the rights of detainees. Zaire also continues to provide sanctuary to some 300,000 refugees and displaced persons from neighboring countries, notably Uganda and Angola.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

In 1984, as in the previous two years, there were no confirmed cases of killing for political motives, although reports persist that the authorities have carried out such killings. The Government denies that it has killed political opponents of the regime.

#### b. Disappearance

While rumors of the disappearance of detainees surface from time to time, there were no reliable reports that such disappearances have, in fact, taken place.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Reports persist of physical abuse in jails and harassment of the populace by law enforcement officers. Amnesty International, in its report Torture in the Eighties, claimed that torture and physical mistreatment of detainees is routine in Zairian prisons. Other sources tend to confirm that mistreatment of prisoners, particularly beatings at the time of arrest and during preliminary interrogation, remains a serious problem. The Government does not condone torture and denies allegations that torture is administered during interrogation. Criminal penalties do not include physical punishment or mutilation. However, abuses of all kinds are endemic in Zaire's jails and prisons, with reports of unsanitary and crowded facilities, malnutrition, and starvation among prisoners. The reasons for this situation include lack of concern at senior levels, incompetence, corruption, and budget reductions imposed as a result of the economic reform program. However, there are people working within the Government to improve the treatment of prisoners and conditions within penal institutions. The Minister of Justice has made highly publicized visits to prisons, and administrators charged with corruption have been arrested or transferred.

Discipline among police and soldiers, particularly in remote areas of the country, is poor. Underpaid or unpaid police abuse their authority by harassing and extorting money from civilians. In spite of the popular discontent these practices create, security personnel are rarely punished for misconduct.

### d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and prolonged detention remain common occurrences, affecting most people who come into contact with the criminal justice system. Although habeas corpus and bail do not exist, by law those arrested should be brought before a magistrate to hear charges within 48 hours of arrest. In practice, however, people arrested for whatever reason are often held for months without a hearing. Defendants with the means are known to buy their way out of detention without ever having charges formally filed. Reliable sources estimate that from 50 to 70 percent of the prisoners in Zairian jails have not been formally processed, much less tried.

The Government asserts that it holds no political prisoners. However, advocacy of a multi-party system or opposition to the party-state is unconstitutional. If formally arraigned, most political detainees would be charged with subversion or "attempts against the security of the state." Most such detainees are not formally charged or tried and remain in detention until the President decides to release them. They are generally arrested openly, and their whereabouts is usually, at least unofficially, known. There are no reports of incommunicado detention. Non-judicial sanctions against persons whom officials suspect of threatening state security are authorized by law and range from administrative detention and house arrest to internal exile to native villages and restriction of movement and travel. There were no known cases of exile or expulsion from the country in 1984.

Estimates of people detained or sentenced for essentially nonviolent expression of political beliefs range from 20 to more than 100. As of September 1984, the International Committee of the Red Cross (ICRC) had visited 48 individuals during the year whom it qualified as security detainees. Six of the remaining members of the "Group of 13" and several prominent allies are still in internal exile at their villages of origin. Most family members originally restricted to the village with them have been free to move since July, although a number of them may still be in those villages. Perhaps as many as 40 people were arrested in the wake of 2 bombing incidents in Kinshasa in March and continue to be held without benefit of trial. The Government maintains that these individuals are terrorists, but those allegations have not been submitted to a court. The best estimate of the number of political prisoners is approximately 50.

Both the Justice Ministry and the bar association have launched efforts to improve the system of administering justice, with emphasis on reducing the number of detainees and the length of detention. The first compilation of judicial codes and rules of civil, criminal, and military procedures ever prepared in Zaire is now being published, joining the penal code which was first published in 1983. Training teams composed of jurists and law professors visited all regions in 1984 to educate local magistrates and lawyers on proper procedures and the rights of an accused to a prompt hearing. The bar association has opened a public office in Kinshasa, in an effort to reach and educate people on their legal rights, and is trying to expand this activity to other regions. However, it will take time and improved economic conditions before such steps make major inroads on the abuses caused by those magistrates and police officials who are poorly trained, unmotivated, and corrupt.

### e. Denial of Fair Public Trial

Defendants are guaranteed by the Constitution the right to a public trial and defense counsel. In practice, however, most citizens are not aware of those rights, and there are insufficient lawyers in Zaire to provide adequate counsel to more than a minority of defendants. When available, defense counsel generally function freely and without coercion from the Government.

The fairness of trials is uneven. Poorly paid magistrates are known to accept bribes, and it is essentially those unable to pay who are subject to the full rigor of the judicial system. Most defendants who are aware of their rights avail themselves of the right to appeal. Decisions of the court of state security (i.e., those involving national security, armed robbery, and smuggling) are not subject to appeal, although all other procedural protections of the criminal code do apply. Military court procedures also do not provide for appeal. Although normally military courts try only cases involving military personnel, in time of emergency or during military operations the President can suspend civilian courts and transfer jurisdiction over all cases to military courts. There is no indication that any civilian courts were so suspended in 1984.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The party and state security organizations extend down to neighborhood level, and both maintain liaison offices in all government agencies (including military units, universities, legislative council, ministries, etc.). All Zairians 18 years or older are automatically members of the party. Party officials, civil servants, armed forces personnel, parliamentarians, and employees of state enterprises pay an obligatory tax to support the activities of the party's major organs (cadre training, mobilization, propaganda, and youth). These party cadres are also required to attend the party's training institute. Non-attendance can result in reprimands and suspensions. Government employees, market women, and blue-collar workers are often required to participate in public events--parades, official arrival and departure ceremonies, etc.--or risk being suspended from work.

Mail is opened sporadically by security services, some telephone conversations are tapped, and government informers monitor places of residence as well as work. In line with the party-state's ideology of "Zairian authenticity," Zairian men are forbidden to wear ties and women to wear pants or wigs. Zairians are also forbidden to use non-African names.

Judicial warrants are required by law before the police are permitted to search a home, except in cases of threats to national security. In practice, however, police and security authorities enter and search without such warrants. In civil cases where defendants have been found guilty of fraud or embezzlement from the Government, their property and homes can be seized and confiscated without reimbursement.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The Constitution guarantees the right of every citizen to express freely his opinions and feelings, whether orally or in writing, but qualifies that and all other rights by the need to ensure "public order and good conduct."

Radio and television are owned and operated by the state. The two major newspapers are privately owned but depend upon significant government subsidies to survive. Publishers and editors are members of the party. The media are expected to promote party ideals and principles. Commentary on politically sensitive internal issues as well as on foreign policy options is discouraged, and direct criticism of the President is forbidden. While journalists are circumspect in their criticism of other high officials as well, criticism of certain government practices, inadequate services, and corrupt officials frequently appears in print.

Media censorship tends to be self-imposed. Journalists must be members of the press union in order to practice their profession, and the threat of ouster from the union and consequent loss of livelihood reinforces self-censorship. Journalists whose writings are considered offensive have been promptly punished, although no such disciplinary actions occurred in 1984. There are several clandestine presses which operate sporadically, printing flyers and handbills critical of the Government and ruling elite. Theater, songs, and organized street gossip are important forms of communicating popular opinions and news.

Artistic and academic freedom of expression are subject to the same restrictions and self-censorship as the press. Mandatory membership in professional organizations and well-developed informer networks serve to discourage dissent. From time to time, books, records, films, and certain issues of magazines are banned. Imported publications, including books and periodicals, are subject to censorship if they are critical of Zaire or its Government.

### b. Freedom of Peaceful Assembly and Association

Only the party and its affiliates may hold public meetings. The Government permits the existence of non-political associations, although these have had meetings disrupted on occasion by government agents because of suspected political activities. The Government also requires that civic organizations notify authorities when they plan meetings or activities involving more than five people. It can also prohibit meetings which continue after 9:00 p.m.

The labor movement in Zaire is confined to one confederation, the National Union of Zairian Workers, which is a semiautonomous unit of the party. The Secretary General is a member of the party's central committee and union officials at the regional level serve on regional party committees. The union provides significant social and educational services to members and their families, and it works with the Government to improve workers' benefits. It is very limited in its ability to promote worker interests which differ from those of the Government and party. The right to strike is embodied in the labor law, but in practice sanctioned strikes have not occurred. The law establishes lengthy arbitration and appeal procedures, during the course of which most labor disputes are resolved. There were short strikes in several sectors of the economy during 1984 which succeeded in focusing government and management attention on union concerns.

At its 1983 session, the International Labor Organization (ILO) in Geneva cited the Government of Zaire for not being in conformity with ILO Convention 29 pertaining to forced labor. This citation stemmed from Zairian legislation providing for compulsory civilian service for graduates from pedagogical and technical institutes, as well as for a government ordinance providing for imprisonment with compulsory labor for tax defaultors.

The over 800,000 workers employed in the public and private sectors are members of the confederation and pay dues to it. However, about 55 percent of Zairian workers are employed in unregulated small commerce and agriculture and are not covered by the union. The leaders of the confederation, who are also party members, ensure that relations with international labor organizations are kept consistent with general Zairian foreign policy. The union participates actively in the International Labor Organization and the Organization of African Trade Union Unity, and maintains relations with various foreign trade union confederations.

### c. Freedom of Religion

Zairians enjoy freedom of religion, and there were no reports in 1984 of government interference, in contrast to past years when the Government banned or harassed religious groups or activities considered to present a political challenge. The Government officially sanctions most of the major world religions, and established procedures exist for new churches to obtain legal recognition. Traditional religious groups are tolerated but not officially recognized. The major religions in Zaire are: Catholicism--50 percent, Protestantism (including Kimbanguism)--36 percent, and Islam--5 percent. Recognized religions are free to establish places of worship and to train clergy. Expatriate missionaries are allowed to proselytize and to serve both Zairian and expatriate congregations. Most churches maintain active links with coreligionists outside the country. Religious affiliation confers neither advantage nor disadvantage in secular status.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Travel within Zaire is unrestricted, although the Government does impose the non-judicial sanction of restriction to villages of origin against some dissidents. All citizens, refugees, and permanent residents must carry government-issued identity cards, and police and military personnel often set up checkpoints along major roads to inspect papers. Those whose papers are not in order pay a fine or spend time in jail. In principle, any Zairian citizen may obtain a passport and exit visa, although on occasion government and security officials have impeded issuance in order to prevent or disrupt travel of those suspected of political opposition. A married woman must have her husband's authorization before obtaining a passport, but she need not have his approval to travel.

In May 1984 there were approximately 50,000 Zairians living as refugees in neighboring countries. Refugees have returned under amnesties declared in 1978 and 1983, and negotiations occur sporadically with Angola (20,000), Zambia (9,000), and Tanzania (15,000) for the repatriation of additional refugees. It is likely that many of these refugees could return to Zaire if they wished. A number of prominent opponents of the Government live in self-imposed exile in Europe.

In May 1984, Zaire was providing safehaven to some 300,000 refugees from neighboring countries. Generally, refugees pass freely into Zaire and are allowed to seek employment or settle on farms. They tend to become self-sufficient and integrated into the Zairian economic system within a few years of arrival. The Government considers them to be resettled until such time as they may decide to return to their country of origin. The Zairian Government does not have the resources to provide assistance to refugees, and they depend on the international community for what help they receive. Refugees sometimes suffer, as do Zairian citizens, from harassment by ill-disciplined military personnel. At times, political refugees from neighboring countries (particularly Angola) have been detained for long periods on suspicion of subversion.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The key instruments of power in Zaire are highly centralized and controlled by the President. The government party (The Popular Movement of the Revolution) is the sole political party permitted under the Constitution. The state functions essentially as a basic organ of the party. Party congresses meet every five years under the guidance of the President to set national political guidelines which are then supplemented by resolutions of the party's central committee. These policies are executed by the Prime Minister and Cabinet, who are appointed by the President.

Efforts by a group of ex-parliamentarians to establish a second political party, the Union for Democracy and Social Progress, have been dealt with harshly. Thirteen leaders of the group were arrested in 1982, released from prison in the 1983 amnesty, but relegated to internal exile in November 1983. In 1984, 5 of the 13 made their peace with President Mobutu and were freed. Six of the remaining eight are still in internal exile, with one out of the country and the other apparently at liberty.

Suffrage is universal over age 18 and voting is mandatory, enforced by threat of arrest and fine. In 1982, direct popular elections were held for the first time for municipal councils, rural zone councils, and urban zone councils. The Legislative Council is elected every five years, with the most recent election in 1982. All candidates are screened by the party's central committee, but voters had a choice of an average of five approved candidates per district in the last parliamentary elections. The President serves for 7 years, and President Mobutu, as the only candidate, was reelected in 1984 to a third term with 99.64 percent of the vote.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Government maintains that Zaire has nothing to hide in terms of human rights policies, and it denies charges of systematic or serious violations. Its attitude toward external investigation of alleged human rights violations has been mixed. The International Committee of the Red Cros (ICRC) has worked in Zaire for several years, although at times its access has been restricted. In early 1984 there was a period when the ICRC was not permitted to visit all prisons, but this was resolved in a July meeting between President Mobutu and ICRC officials. Since then, the ICRC delegation in Zaire has visited civilian and military prisons in Kinshasa and the interior.

The Amnesty International 1984 Report expresses concern over reports of detention without trial of suspected opponents of the regime, of torture or beating of political detainees, and the deliberate killing or starvation of criminal suspects. Amnesty International alleges that at the end of 1983 over 100 people were imprisoned or restricted for political reasons. The Government contends that the Amnesty International reports are inaccurate and based on misinformation from Zairian dissidents in Europe, and it has not allowed the organization's representatives to visit the country since July 1982. Freedom House rates Zaire "not free."

In May 1984 the Government agreed to allow the Paris-based League of Human Rights to visit the country. However, when it became clear that the purpose was to visit those dissidents who had been relegated to their villages of origin, the visit was not allowed.

Although Zaire has been a member of the U.N. Human Rights Commission (until 1983) and other international forums for dealing with human rights issues, it has not played a leading role. The Government has hewed to a consistent position that international action in the field of human rights should be strictly circumscribed by the principle of non-interference in the internal affairs of sovereign states. Zaire has not been singled out for particular attention in inter-governmental human rights forums.

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Zaire is sub-Saharan Africa's second largest country in area and third largest in population (32 million). The annual population growth rate is approximately 2.9 percent, and the per capita gross domestic product was estimated at $187 in 1982, although this figure does not take into account the subsistence economy for which no figures are available. Because of low capital investment and poor maintenance, Zaire's basic infrastructure, particularly transportation, marketing, and communications, has deteriorated steadily since independence.

At the end of 1982 the Government instituted a stringent economic and financial recovery program developed with the assistance of the IMF. Zaire has adhered to that program for two years, implementing measures to liberalize its economy and instituting management reforms. Price liberalization has encouraged greater food production. Limiting public expenditures and employment is another reform measure. While there are now signs the economy is beginning to recover after more than a decade of decline, the short-term social and economic effects of the measures have aggravated the already precarious economic circumstances of many people. The ability of any reform program to have an immediate and marked positive effect in Zaire is limited by the country's structural shortcomings: transportation, public health, and education are key sectors where change will happen only over time, although some improvement in the rural standard of living appears already under way.

Unemployment and underemployment are serious problems. Since independence the percentage of rural population engaged in subsistence agriculture has increased to the present 75 percent. During the past several years industry has operated at only 30 to 40 percent of capacity. Since remuneration in the public service sector is inadequate and sporadic, many civil servants must supplement their incomes through commercial activities. Low salaries and job insecurity have also contributed to corruption in the government and military. Low wage levels will remain a problem, although government reforms include a new minimum agricultural wage, a higher minimum industrial wage, and revision of the government's personnel system to provide comparable pay for comparable work throughout the military and civil service.

Reflecting malnutrition and other health problems, the infant mortality rate in 1984 was 107.6 per 1,000, and the life expectancy at birth 50.5 years. Health care is curative rather than preventive and is extremely limited in quality and availability in both urban and rural areas. On average, in 1976 only 16 percent of the population had access to safe water, with the figure for rural areas as low as 5 percent.

The literacy rate in Zaire for persons over 15 varies regionally, but was estimated at 55 percent in 1980. Approximately 37 percent of women are literate. Four times as many boys as girls are enrolled in primary schools. Lack of books and supplies, high dropout rates at all levels, teacher strikes, poor teacher quality and, most recently, serious reductions in teaching and research staff have contributed to a declining quality of education at all levels throughout the country. Unofficial regional and ethnic quotas designed to protect various ethnic groups from exclusion are implemented in the university system.

The role of women in Zairian society is given great emphasis in party doctrine. Women's rights to own property and participate in the political and economic sectors are protected by law, and a growing number of women work in the professions, government service, and the universities. Nevertheless, custom, tradition, and existing law continue to constrain women from attaining a position of complete equality in society. Women generally earn less than their male counterparts in the same jobs. In addition, married women must obtain their husband's authorization before opening a bank account, accepting a job, or renting or selling real estate.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: ZAIRE

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL...... | 24.0 | 30.0 | 46.0 |
| LOANS.................. | 12.0 | 10.0 | 15.0 |
| GRANTS................. | 12.0 | 20.0 | 31.0 |
| A.AID .................. | 10.3 | 15.5 | 25.0 |
| LOANS.................. | 2.0 | 0.0 | 0.0 |
| GRANTS................. | 8.3 | 15.5 | 25.0 |
| (SEC.SUPP.ASSIST.)...... | 0.0 | 5.0 | 10.0 |
| B.FOOD FOR PEACE......... | 10.0 | 10.0 | 15.0 |
| LOANS.................. | 10.0 | 10.0 | 15.0 |
| GRANTS................. | 0.0 | 0.0 | 0.0 |
| TITLE I-TOTAL........... | 10.0 | 10.0 | 15.0 |
| REPAY. IN $-LOANS...... | 10.0 | 10.0 | 15.0 |
| PAY. IN FOR. CURR...... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY...... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST..... | 3.7 | 4.5 | 6.0 |
| LOANS.................. | 0.0 | 0.0 | 0.0 |
| GRANTS................. | 3.7 | 4.5 | 6.0 |
| PEACE CORPS.......... | 3.7 | 4.5 | 6.0 |
| NARCOTICS............ | 0.0 | 0.0 | 0.0 |
| OTHER................ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL...... | 10.7 | 10.1 | 7.8 |
| LOANS.................. | 7.5 | 2.0 | 0.0 |
| GRANTS................. | 3.2 | 8.1 | 7.8 |
| A.MAP GRANTS............ | 3.0 | 7.3 | 7.0 |
| B.CREDIT FINANCING...... | 7.5 | 2.0 | 0.0 |
| C.INTL MIL.ED.TRNG...... | 0.2 | 0.8 | 0.8 |
| D.TRAN-EXCESS STOCK..... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS.......... | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL...... | 34.7 | 40.1 | 53.8 |
| LOANS.................. | 19.5 | 12.0 | 15.0 |
| GRANTS................. | 15.2 | 28.1 | 38.8 |
| OTHER US LOANS............ | 10.8 | 1.0 | 0.0 |
| EX-IM BANK LOANS........ | 0.0 | 0.0 | 0.0 |
| ALL OTHER............... | 10.8 | 1.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 151.0 | 83.4 | 150.8 | 1669.4 |
| IBRD | 0.0 | 0.0 | 0.0 | 331.7 |
| IFC | 0.0 | 0.2 | 0.8 | 6.7 |
| IDA | 100.8 | 80.3 | 80.5 | 902.1 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 28.0 | 1.9 | 69.5 | 165.7 |
| UNDP | 11.0 | 2.3 | 0.0 | 71.8 |
| OTHER-UN | 10.2 | 0.0 | 0.0 | 38.8 |
| EEC | 0.0 | 0.0 | 0.0 | 152.4 |

## ZAMBIA

Zambia is a one-party state in which individual rights, basic freedoms, and due process are generally well observed while some political rights are restricted. Much of the decision-making power is concentrated in the hands of the President, Kenneth Kaunda, advised by a central committee of party leaders and governing through a cabinet and a parliament elected through controlled elections. The President possesses sweeping powers--conferred on him by emergency legislation which dates from 1964--to suspend observance of legal rights in the "interest of state security." The Constitution also accords power to the National Assembly to suspend basic constitutional guarantees.

Candidates for political office at any level must be members of the United National Independence Party. No opposition candidate was permitted to run in the October 1983 presidential election. Kenneth Kaunda received a "yes" vote of 93 percent and was reelected for his fifth consecutive five-year term. Elections for the National Assembly were held in single-member constituencies in 1983, with over 760 candidates running for the 125 seats.

In January 1983, the High Court convicted seven persons of conspiring to overthrow the Government and handed down mandatory death sentences. The convictions were appealed to Zambia's Supreme Court, which took testimony in open session during August and September 1984. The Supreme Court will rule on the appeals at a later date. Internal security continues to be a sensitive issue, but there have been no detentions of prominent figures for over three years.

Zambia's economy continues to be severely depressed due to such factors as low prices for the country's mineral exports, a prolonged drought, statist policies which have led to inefficiencies, and a rapid rate of population growth which outstrips productivity. There has been a continuing decline in citizens' standard of living, but the Government is taking steps to improve the management of the economy and to remove some of the agricultural production disincentives, while attempting to maintain delivery of a wide range of social services to the citizenry. Numerous cases of urban crime and smuggling have severely taxed the limited capabilities of Zambia's police and military forces.

Zambian institutions such as the judiciary, press, trade union movements, and churches have come under some pressure from central authorities to be more responsive to the wishes of the Government, but have maintained to the best of their ability their objectivity, status, and influence. There is stiff competition within the single party structure for parliamentary seats; the National Assembly provides a platform for the spirited consideration of issues; the judiciary is independent and takes full account of the rights of the accused; the trade union movement continues to be one of the best organized and most democratic in Africa; and the churches remain a strong independent force which can unite to defend common interests. Zambia continues to serve as a place of first asylum for refugees in the region.

There has been no major change during 1984 in the status of human rights in Zambia. Future trends in human rights practices will doubtlessly be influenced by the nation's ability to cope with its difficult economic problems.

# ZAMBIA

## RESPECT FOR HUMAN RIGHTS

## Section 1 Respect for the Integrity of the Person, Including Freedom from:

### a. Political Killing

During 1984 there were no killings in which there was evidence of political motivation or government instigation.

### b. Disappearance

No case of politically motivated disappearance is known to have occurred during 1984.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture, but there are credible allegations that police and military personnel have used cruel treatment when arresting persons and have resorted to torture when interrogating detainees. Charges of torture and mistreatment are reported freely in the press when victims register their complaints in court. The courts frequently order investigations to ascertain if confessions or statements were made after torture or physical and mental mistreatment and have consistently rejected statements obtained under duress from arrested persons. Abuses of prisoners are reported to include beatings, pain inflicted on various parts of the body, and long periods of solitary confinement. Prisoners have successfully sued the state for damages as a result of prison abuses. In January 1984, three prison officers were fined and sentenced to one year in jail for putting leg irons on prisoners.

Zambian prisons are overcrowded, understaffed, unsanitary, and lacking in rehabilitative facilities. Medical facilities are meager, but prisoners with serious medical problems are treated in public hospitals. Prisoners are generally segregated by sex, seriousness of the offense, and age group. There is no institutional differentiation in the treatment of different categories of prisoners charged or convicted under civil or criminal statutes, but presidential detainees receive better care in detention than that accorded common prisoners.

### d. Arbitrary Arrest, Detention, or Exile

Under the state of emergency which has been in effect since independence in 1964, the President has broad discretion to detain or restrict the movements of individuals, a power not exercised since 1982. Detention procedures have been revised to conform with provisions of the Constitution and have increased the President's authority.

The President can incarcerate a detainee indefinitely and is not legally bound to accept a court's acquittal if he still believes that the detainee is guilty. In practice, detainees are almost always released if the court finds in their favor. By law, presidential detainees are entitled to: formal notice of the reasons for their detention; publication of their detention in the Government Gazette; access to counsel; frequent visitation by family and colleagues; immediate representation to the detaining authority; and the right to seek judicial review of the detention order by an independent and impartial tribunal after one year. Presidential detainees must have their cases heard by the High Court and have the right to appeal to the Supreme Court. Habeas corpus is available to persons detained under presidential order, but the Government is not obliged to accept the recommendation of the review tribunal. Six detainees were among the 243 prisoners amnestied in October 1984 in conjunction with Zambia's 20th anniversary celebrations. It is estimated that there are fewer than 15 presidential detainees currently held in Zambia.

There was no significant use of the President's detention authority in 1984. However, detainees from previous years face a slow process of investigations and legal action which can take anywhere from a few months to several years. Detainees can sue the state for wrongful detention and false imprisonment, and several did so in 1984.

Under the state of emergency, law officers and defense personnel have extraordinary powers. Police officers of assistant inspector rank and above may arrest without a warrant and detain an individual for up to 28 days if the officer has reason to believe grounds exist to justify a presidential detention order. However, police must within 14 days provide the detainee with reasons for his detention, or his incarceration is void. This requirement is followed rigorously.

Security officers have broad powers of search, and sometimes act without warrants when looking for smugglers or illegal aliens. During 1984, more than 3,000 persons residing illegally in Zambia were rounded up in police sweeps, especially in Copperbelt province, and were later deported. The majority of these aliens were deported to Zaire, with others being sent to Tanzania and a number of other nations.

### e. Denial of Fair Public Trial

The Zambian judiciary system consists of a Supreme Court with appellate powers and a series of lower courts--of which the High Court is the most important. Presidential detainees are not automatically guaranteed public trials, but the majority have been tried in public. The safeguards of English common law are provided in court cases not involving presidental detainees. Independent observation confirms the independence of the Zambian judiciary from executive branch influence. The President's power to appoint and transfer judges has sometimes been cited as having the potential to influence judicial decisions. However, there is no evidence that such power has swayed court actions.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Zambian Government does not require membership in political organizations, and usually does not monitor correspondence or telephones, or otherwise interfere in family life. The sanctity of the home is generally respected, except in isolated incidents relating to the national emergency or to roundups and deportations of illegal aliens. In these cases, security forces often do not have search warrants. Such warrants can be issued by magistrates or police officers above the rank of sub-inspector.

## ZAMBIA

### Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

There is considerable freedom of press and speech in Zambia, and the press regularly reports criticism of government activities expressed by sources ranging from elected officials to average citizens. The two national dailies are owned by the Government and party respectively, but substantial commentary critical of party and government performance is permitted. The Times of Zambia, the party paper, is generally independent of outside direction. The papers discuss economic policy, corruption, and poor administration. However, direct negative comments concerning the Head of State, the concept of the one-party state, and the national philosophy, "Humanism," are prohibited. Journalists and commentators know the limits of criticism and are wary of reporting which could lead to charges of libel and slander. An independent biweekly paper sometimes critical of official policies is published by an association of churches, and two other independent papers focus on mining and financial subjects. Television and radio are owned and operated by the Government; frequent panel discussion programs provide for a wide range of views on Zambian issues.

While the possibility of censorship of foreign publications and news items exists, it is seldom invoked. Academic freedom is highly respected in Zambian society, and Zambian educators are outspoken in their commitment to an educational system free of extraneous influence. There is little or no governmental interference in matters relating to curriculum, student selection, or faculty assignment.

### b. Freedom of Peaceful Assembly and Association

Police permits are required for meetings and rallies or marches. These permits are issued routinely, unless the Government believes that the proceedings are likely to be directed against local authorities. While there is a ban on all political activity outside the one-party structure, Zambia has a profusion of trade associations and professional groups which can serve as unofficial pressure groups on various economic, political, and social subjects.

Zambia has a history of strong labor union organizations, dating from the establishment of large copper mines during the 1930's; Zambia's 18 national labor unions, which are organized by industry or profession, are all members of the Zambia Congress of Trade Unions (ZCTU). Member unions defend worker interests, especially on wages and conditions of service, and have the right of collective bargaining. Under existing legislation, strikes are permitted only for specific reasons and only after all other recourse has been exhausted. Virtually all strikes are illegal, since they almost always commence before the process of mediation has run its course. However, the Government has relied on persuasion and continued mediation to end strikes once begun. There were no major labor disturbances during 1984. The trade union congress is not controlled by the party or the Government, and union leaders frequently criticize government policy on such subjects as wages, economic policy, conditions of service, and labor representation on party and government organs. Internally, the trade union congress is democratic and regularly conducts open elections to select its leadership.

The ZCTU is a member of the Organization of African Trade Union Unity (OATUU).

### c. Freedom of Religion

Freedom of religion is constitutionally guaranteed and has been supported by President Kaunda. Zambia has no state religion, and adherence to a particular faith does not confer either advantage or disadvantage. Christian missionaries from a wide variety of faiths operate freely in the country. While Jehovah's Witnesses are prohibited from proselytizing, the sect functions openly and its freedom not to participate in various secular activities such as voting, singing the national anthem, and saluting the flag has been upheld in the courts and supported by senior party leaders. Lay associations and religious youth groups operate independently of party control or influence.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The President may, under emergency powers, restrict the movement of individuals within Zambia. The Government also reserves the right to refuse or to withdraw passports to prevent foreign travel by individuals whose activities are considered inimical to Zambian interests. However, strict currency regulations also serve to inhibit foreign travel or emigration.

Acquisition, loss, and revocation of citizenship is governed by constitutional provisions and laws administered by the Citizenship Board. However, the President also has power to grant or revoke citizenship on an extraordinary basis.

Zambia has long played host to a considerable refugee and asylum-seeking population that originates in several strife-torn southern African nations. The United Nations High Commission for Refugees (UNHCR) is conducting a refugee census, but estimates indicate that there are approximately 103,000 refugees in Zambia. The largest group of refugees is from Angola, with significant groups from Zaire, Namibia, and South Africa. Smaller numbers are from Malawi, Mozambique, and Zimbabwe. Many of the Angolans and Zaireans have spontaneously resettled in Western and Northwestern provinces since the ethnic compositions on both sides of the border are similar. The Zambian Government operates two large refugee resettlement centers and the South West African People's Organization operates one camp. Urban refugees number approximately 700.

Despite Zambia's reputation as a refugee haven, economic difficulties and political pressure from the refugees' countries of origin resulted in several instances of forced repatriation during 1984, especially to Angola, but also to Zimbabwe. The UNHCR protested to the Zambian Government the forced repatriations to Angola in early 1984, which apparently involved several planeloads of people.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Since 1973, the United National Independence Party, with an estimated membership of less than ten percent of the adult population, has been Zambia's sole legal political party.

## ZAMBIA

Power is concentrated in the hands of the President as leader of the party and chief of state. He plays a dominant role in determining the membership of Zambia's top executive institutions, the party central committee and cabinet, although traditionally both bodies contain a general balance of regional and tribal representation.

Candidates for political office at any level must be members of the party and they are subject to close examination for suitability by senior party authorities. In practice, however, the Zambian political system is open to individuals of somewhat divergent opinions provided they are willing to work within the one-party structure and not challenge the President's preeminent position. In the latest parliamentary elections in 1983, 760 candidates contested 125 seats; 40 incumbents were defeated, including 7 ministers of state.

The National Assembly is reflective of constituent interests and sometimes thwarts or modifies executive branch policies and programs. In 1984 the Assembly voted down a motion for adjournment by the Prime Minister, for example. Presidential and general elections are by universal suffrage but the numbering of ballots, which could be cross-checked against voter registration numbers, could undermine the secrecy of the ballot. As noted elsewhere, voters can choose among multiple candidates for the Parliament from the one party. In the 1983 presidential election, voters had the option of voting for or against the single candidate, or abstaining. A total of 63.4 percent of registered voters went to the polls, of whom 93 percent voted in favor of the President.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

While there is no public record of the Zambian Government having been subject to such investigations, queries, or messages during 1984, the Government generally neither encourages nor hinders investigations or visits by organizations such as Amnesty International. In its 1984 report, Amnesty International expressed concern about the detention without trial of alleged political opponents of the Government and about allegations of cruel, inhuman, and degrading treatment of certain prisoners. Freedom House terms Zambia "partly free."

### ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Zambia is in the midst of a prolonged economic recession, marked by high inflation, serious unemployment, and scarce financial resources. The application of various economic policies along socialist or centrally managed lines since independence has not lived up to expectations. Real per capita income has fallen below the level at independence, and due to depressed prices for Zambia's copper exports, even total real national income remains below the level reached in 1977. In addition, a drought which has lasted three years has reduced the production of food and forced further reliance on food imports. The expansion of social welfare programs has, as a result, had to be subordinated to overall economic needs.

In the past two years, however, the Government has restricted public spending, reduced government subsidies, raised farm producers prices, devalued the currency, and come to terms with the International Monetary Fund for an approximately $225 million standby program extending to April 1986. These actions represent important initial steps toward economic stabilization.

The average income of rural inhabitants is estimated to be substantially less than one-third the average earnings of urban dwellers. This imbalance has generated heavy rural-to-urban migration (over 40 percent of the population is urban), exacerbating already high unemployment and crime rates in urban areas. Nationwide, unemployment is well over a third of the potential work force.

In addition, the gap between the rural and urban areas in terms of income, education, housing, nutrition, and the availability of public services is considerable. Eighty-six percent of the urban population has access to safe water, for instance, as opposed to 16 percent of rural dwellers (1975). Within the population there are also significant inequalities. The top 20 percent of households claims over 56 percent of the total income, while the bottom 40 percent gets only 11 percent.

Women participate increasingly in Zambia's social, economic, and political life. They hold some senior positions in the party, the Government, and the judiciary, and are gaining increasing representation in the professions and higher education. At the party's 1983 convention, a subcommittee on women's affairs was created, which increased women's influence on the Central Committee. The party has also increased the number of women on the 25-member Central Committee from two to four. Nevertheless, the majority of Zambian women still occupy traditional roles.

Under statutory law, women generally enjoy full equality with men. Customary law and practice still compete on a de facto basis in most rural areas with Zambia's Constitution and codified laws. Some customary statutes place women in subordinate or unequal status in property inheritance and marriage. The Law Development Commission is seeking ways to remove such anomalies.

According to 1979 statistics on school enrollment as a ratio of population in age groups, about 99 percent (versus 114 percent of males) of Zambia's primary-age females are enrolled in primary school. Moreover, female students can be admitted to secondary school with lower passing marks than male students as part of Zambia's "affirmative action" program. However, because many women are burdened with heavy household duties, their opportunities for advancement lag behind those of men. Within the context of Zambia's traditional society, their primary role is to have children. Zambia's population growth rate, which stood at 2.8 percent in 1970, is now 3.2 percent, according to 1984 figures. From 1969 to 1980 there was a 40 percent increase in population. The fertility rate in 1979 was 6.1 live births per woman, one of the highest in the world. Life expectancy at birth is 51.6 years. Barring a dramatic turnaround in Zambia's economy, its ability to sustain even existing social services will be seriously strained in the future by its rapidly expanding population.

## ZIMBABWE

Zimbabwe has a parliamentary system based on the Westminster model, as established in the 1979 negotiations at Lancaster House that led to independence. Its Government is controlled by the Zimbabwe African National Union (ZANU)--led by Prime Minister Robert Mugabe--which won an outright majority (57 of 80 "African" seats) in the 1980 general election. Since independence, Mugabe's Cabinet has included members of the Zimbabwe African People's Union (ZAPU), led by Mugabe's rival Joshua Nkomo, and several whites, who are independent members of Parliament. In November 1984, however, Mugabe sacked two ZAPU ministers for their party's alleged support of dissidents who had murdered several senior ZANU officials, and replaced them with ZANU loyalists. Under Prime Minister Mugabe, ZANU has stated its intention to transform Zimbabwe into a one-party state, with a party broad enough to encompass a diversity of opinions.

Born of a 15-year civil war, Zimbabwe came to independence in 1980 with a heritage of white rule based on institutionalized racial, social, and economic discrimination against the majority black population. At the same time, independent Zimbabwe also inherited the strongest and most complete economic infrastructure in black Africa, mineral resources, a strong agricultural base, and a strong manufacturing sector--all with significant capacity for growth and for amelioration of economic imbalances. In 1983-84 the growth of the economy has been hindered by the worldwide recession, continued drought, and internal security problems.

The present Government has respected the Lancaster House Constitution in preserving multiracial democracy and the rights of property, but has maintained a legal State of Emergency, in force since 1960. These emergency powers allow the Government to override constitutional guarantees of several basic human rights, such as freedom from arbitrary arrest and the right to a prompt and fair trial. They have also been used to detain without trial several prominent opponents of the Government, including the Prime Minister of the predecessor regime, Bishop Abel Muzorewa, and to intimidate other political opponents. Government efforts to control dissident activity and banditry, concentrated primarily in Ndebele-speaking areas, have strained relations between the two major black parties and elicited international attention due to the substantial violations of human rights which resulted.

There are three branches of the security apparatus: the police and its criminal investigation department, which are responsible for general criminal cases; the Central Intelligence Organization, which is responsible for investigating security matters; and the armed forces, which have sometimes been assigned responsibility for enforcing internal security, especially in dissident-affected areas. All three branches have to some degree violated human rights during 1984. Most of these abuses were concentrated on ZAPU, the ruling party's primary opposition, and its largely Ndebele-speaking supporters.

In February the Government imposed a curfew on a 4,000-square-mile area of Matabeleland South province to curb activity by dissidents. Despite the curfew and a government-imposed news blackout, there were many credible reports that the security forces were using unnecessary force and violating the rights of the inhabitants in their search for dissidents. In June, approximately 100 civilians were killed in Midlands province during riots by ZANU members against members of opposition parties.

The judicial system continues to function independently of government, frequently ruling against the state on sensitive issues and defending human rights through the rule of law. The opposition political parties--ZAPU, Muzorewa's United African National Council (UANC), a splinter ZANU group, and the all-white Conservative Alliance--also continue to function, although their activities are monitored by the security services and their supporters often harassed. An independent group of white MP's is also active. Nevertheless, Nkomo organized a well-attended ZAPU National Congress in Harare in October, and Bishop Muzorewa, after being released from detention in September, has held several large public gatherings. All parties plan to contest national elections scheduled for early next year.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

The Zimbabwe Government continued to face a serious security problem in the southwestern part of the country during 1984. Targets of dissident attacks were primarily civilians, including ZANU party officials, rather than military personnel. Knowledgeable sources outside the Government estimate that up to 50 civilians died during the past year as a result of these attacks. These same sources believe that the higher number of deaths for which the Government blames the dissidents--over 100--includes murders committed by common criminals with no political motivation and Zimbabwean soldiers acting within or beyond their orders. At the same time, government efforts to cope with the dissident problem resulted in the deaths of approximately 100 to 150 civilians, according to credible sources. Many of these civilians were being held in detention centers under suspicion of aiding dissidents and some died as a result of injuries inflicted by the military and/or poor conditions at these camps.

Approximately 100 civilians--mostly members of minority parties (UANC and ZAPU)--died in June during anti-opposition party demonstrations by ZANU members in several towns in Midlands Province. Senior ZANU officials who hold cabinet positions have been accused of inciting the demonstrators through incendiary speeches. There are also reliable reports of their helping to arrange the demonstrations, including transport for party youth. Although placing the bulk of the blame on the opposition, particularly for the assassination of ZANU officials, senior government officials later condemned all forms of political violence.

The Government does not condone the killings of civilians by its security forces, but is widely believed to have instructed its police to stand aside during the June demonstrations. Since then, the Government has arrested four soldiers who are alleged to have murdered four civilians in Matabeleland in 1983 and some ZANU officials alleged to have attacked minority party members.

b. Disappearance

In 1984, sources estimate that as many as 5,000 civilians may have been arrested or detained by official security forces, mainly in Matabeleland, without public announcement. These sources indicate that the Government continues to hold an undetermined number of people but that the large majority were released within weeks of their arrest. Despite the large numbers involved, there have been no reports of unexplained disappearances during the past year. Two Zimbabwean rebels were sentenced to death in November 1984 for the kidnapping of six foreign tourists in 1982 (including two Americans) who are still missing.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Minority party members of Parliament and others have accused the Government of torture. Reports from a variety of sources indicate that Zimbabwean security forces have been responsible for a broad range of mistreatment of large numbers of civilians--almost entirely Ndebele-speaking--who were suspected of being dissident supporters. Types of mistreatment included torture with electric shock equipment, water, plastic, and chemicals; cruel, inhuman, or degrading treatment such as repeated beatings and rape; and confinement in small cells with little or no ventilation and detention for several days in open-air cages. Reliable sources indicate that at least 5,000 civilians experienced some sort of mistreatment at the hands of Zimbabwean security forces and that between 100 and 150 died as a result of this or other poor conditions while in the hands of government forces. On the other hand, all detainees are not routinely mistreated. Bishop Muzorewa, for example, appears to have been well treated and acknowledged this fact publicly after his release.

In 1984, the Government continued its investigation of allegations of abuses during the security crackdown in 1983, but its report has not been made public as promised. A limited number of the security forces have been brought to trial for their alleged mistreatment of civilians, but not, according to available information, for mistreatment at detention centers.

Prison conditions in Zimbabwe are spartan but not harsh. Diet, clothing, and exercise are governed by regulation; deprivation of necessities is not used as a disciplinary measure. Living conditions are sometimes crowded, with as many as 100 prisoners sharing a large room. Medical service is available. Many prisoners are required to do manual or farm labor at prison facilities. Much less is known of conditions and treatment in maximum security prisons, where "security risk" prisoners are confined and in which abuses are alleged to have occurred.

d. Arbitrary Arrest, Detention, or Exile

Emergency powers have been in effect since 1960. The Emergency Powers Act empowers the Home Affairs Minister and any police or Central Intelligence Organization official to detain any person in the interest of public order and safety. "Undesirable inhabitants" may be deported under orders of the Home Affairs Minister. A tribunal of independent jurists must review all detention orders within 30 days. If the tribunal finds no merit to the case, the detainee is to be released, but the Government can override the tribunal's decision. If the tribunal recommends in favor of detention, it continues until revoked by the Minister or until the detainee is indicted. The tribunal must review all standing detention orders every 180 days. The Government has, as a rule, adhered to these legal formalities, although there have been some delays. A detained person is entitled to hear the reasons for his detention not later than seven days after arrest. The detainee is also entitled to see an attorney and is entitled to compensation for unlawful arrest and/or detention.

Zimbabwean law provides that an arrested person may demand, in court, that evidence leading to his arrest be presented. In the case of detention orders, however, the writ of detention issued by the Home Affairs Minister has been deemed sufficient to meet the requirements for evidence.

At least 5,000 people are believed to have been detained during the curfew in Matabeleland. At any one time the number of people under detention has probably averaged between 800 and 1,200 through 1984. Most of the detainees were never formally charged and their detention was never widely known. Others, such as UANC leader Bishop Muzorewa--who was held for ten months until his release in September--and four leaders of ZAPU's former military wing, have drawn considerable international attention. The latter remain in detention on the advice of the detention review tribunal.

Between 10 and 20 persons were redetained in 1984 after being acquitted in court. Most of those were Ndebele-speakers who had been tried in Bulawayo courts. The best known example concerns four ZAPU members who were alleged to have been involved in an attack on the Prime Minister's residence but who were acquitted of charges of terrorism and treason. Tried in Harare, they were redetained two days after being acquitted. They have since been released.

### e. Denial of Fair Public Trial

The constitutional guarantees of a "fair hearing within a reasonable time by an independent and impartial court" remain in effect and are, in the vast majority of cases, respected. Most major cases are held in open court, but an increasing number of those on sensitive security matters are being held in camera.

Two major politically sensitive cases that were ruled on by the Supreme Court this year reconfirm that the judiciary continues to function independently of the Government. The Government has made an effort to appoint well-qualified judges with experience, even if this has meant recruiting expatriates. Several judges have emphasized their freedom from government interference in those cases over which they have presided.

Approximately 200 people were tried for "political" crimes in 1984. Most of them were charged under the Emergency Powers Law and Order Maintenance Act for their alleged involvement with dissident groups. No more than 10 percent of them were represented by counsel.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution protects citizens from arbitrary search or entry. Under the Emergency Powers regulations, however, any police officer may without warrant stop and search any person or enter any area where he has "reasonable grounds" for believing evidence of a crime may exist and seize the evidence. There have been credible allegations of arbitrary intrusion into homes and interference with privacy by government authorities. Most relate to the conduct of the security forces in operations against dissident groups in Matabeleland. Well-placed sources have reported that security force personnel have employed coercive tactics to persuade Ndebele-speakers in Matabeleland to take up ZANU membership.

There have been no allegations of electronic surveillance by Zimbabwean authorities. On several occasions, however, Zimbabwean citizens have claimed that authorities have opened or confiscated mail.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Although the Government has taken steps to restrict these rights from time to time, considerable freedom of speech and of the press exists in Zimbabwe. Opposition viewpoints continue to be freely ventilated in Parliament, although these are not always reported in the press, which generally adheres closely to the Government's line. Two prominent exceptions are a Catholic Church-sponsored monthly magazine (Moto), which often includes articles critical of government policies, and a private weekly financial newspaper (The Financial Gazette).

Criticism of the Government is tolerated, but personal attacks on the President are prohibited by law. Senior officials of the Mass Media Trust, established by the Government to oversee the management of the country's major newspapers, have sometimes interfered in editorial policy at the newspapers. Two pseudonymous columnists for the major Sunday newspaper, who frequently wrote articles critical of the Government, no longer appear in print. This has served to reinforce the willingness of other reporters and columnists to practice "self-censorship" on contentious issues and to stress ZANU positions. Nevertheless, it appears that most senior editorial personnel generally share and support the Government's policies and programs and do not hesitate to criticize incompetent or corrupt officials.

The Zimbabwe Broadcasting Corporation is wholly owned by the Government. Although editorial policy is supposed to be insulated from politics by a management board, in practice both radio and television cleave very strongly to the line laid down by the Government and by Prime Minister Mugabe's ZANU party, giving prominent coverage to ZANU party rallies and meetings, while rarely mentioning those of any other party.

The Government has relaxed the application of the "Kadoma Declaration," which bans entry into the country of journalists based in South Africa, but has left it in force and occasionally applies it when a reporter requests accreditation. During the curfew in Matabeleland South early in 1984, journalists were prohibited from entering the area where the security forces were operating. When they were finally allowed into the area, after the partial lifting of the curfew, it was as part of an army-escorted tour.

The University continues to enjoy substantial academic freedom, but there are indications the Government is stepping up its role in molding university-level courses to fit its socialist philosophy. A government-funded "Institute of Development Studies" was recently inaugurated to propagate socialist philosophy for the country's development program.

### b. Freedom of Peaceful Assembly and Association

The Constitution provides the right of assembly or association, but there are restrictions in practice. Persons who intend to hold public political meetings must obtain permission from police authorities or the Ministry of Home Affairs. Officials from all major opposition parties have criticized the Government for hampering their plans to hold such political rallies. According to most observers, the record continues to indicate a disproportionately high number of disallowed meetings among these opposition groups.

Some minority party members are increasingly finding that their political association carries considerable liabilities. There have been credible claims that they and/or their family members have been subjected to repeated harassment by persons affiliated with the ruling party. In addition, homes have been damaged or destroyed by groups of ZANU youths. There have also been instances where minority party members have been denied access to a variety of public services, such as health care or public transportation, or have found employment opportunities limited.

Following the riots in several urban centers in Midlands province in June, provoked by the murder of a popular ZANU official and his family, ZANU members attacked ZAPU and UANC supporters, and the Government placed a ban on all political meetings by ZAPU. This ban was lifted in early October.

Other associations not of a political nature appear free of official restrictions and meet openly when and where they choose. This includes religious, professional, fraternal, and leisure organizations of all types, which flourish in Zimbabwe. The Government does not sponsor any so-called "mass" organizations aside from its youth and women's leagues.

The Government has sponsored the establishment of an umbrella labor organization, the Zimbabwe Congress of Trade Unions (ZCTU), in order to consolidate the fragmented labor movement and bring all unions onto its roster. However, recalcitrant unions have shown no eagerness to join the Congress. The Minister of Labor recently criticized the Congress for its inability to organize itself effectively and for several instances of corruption. Proposed legislation to make membership mandatory has still not been brought forth. The Government has shown caution in using its other powers (e.g., subsidies) to force unions to affiliate with the Congress. Aside from the Congress, however, individual unions can be effective representatives of their members and have had some success in defending members' interests. The Congress maintains friendly relations with trade union organizations from both East and West. It is also a member of the continent-wide Organization of African Trade Union Unity.

## ZIMBABWE

There are several professional or trade associations which operate effectively on behalf of their members. Notable among these are the Commercial Farmers' Union and the Confederation of Zimbabwe Industries, both of which have easy access to senior levels of government and are respected for their expertise. There are no known restrictions on affiliation between these or other Zimbabwean organizations and recognized international bodies.

### c. Freedom of Religion

Freedom of religion is fully respected in Zimbabwe. There is no state religion, nor is any one sect or belief favored by government policies. All religious denominations are permitted to practice openly and to teach their beliefs. Religious groups maintain links with outside coreligionists and hierarchies.

While the ruling party, ZANU, has proclaimed that it intends to establish socialism based on Marxist-Leninist principles, it has so far taken no steps to restrict religious freedoms. There have been several instances, however, when ZANU youths have disrupted church services and forced attendance at ZANU rallies.

Methodist Bishop Abel Muzorewa was detained for 10 months allegedly for his political activities and suspected collusion with South Africa. The Government is suspicious that he uses his church meetings as a cover for political rallies. There have been instances when members of the ZANU Youth League harassed Methodist churchgoers for affiliation with the UANC, and the police have not been visibly vigorous in controlling such incidents.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Aside from scattered roadblocks or curfews imposed when dealing with specific security problems, movement within the country is unrestricted, and there are no limitations on where one may live or work. The Government has on occasion moved to expel squatters in both urban and rural areas when they illegally occupy farmland or when their presence creates a health hazard.

The primary restriction on emigration and travel outside the country is financial, as the Government limits the amount of foreign exchange that Zimbabweans may spend overseas each year. There are severe restrictions on the amount of cash or valuables, beyond household effects, which may be taken when leaving the country permanently. Zimbabwe continues to welcome the return of citizens who had been living, studying, or working outside its borders. These returnees have been integrated back into its society as fast as their skills and the community's resources permit.

In the past year, over 50,000 persons from Mozambique have migrated into the eastern part of Zimbabwe to avoid the combined effects of drought and political instability in their country. At first, many of them were rounded up by police and sent back across the border. Since then, however, the Government has decided that these persons meet the U.N. and OAU definitions of "refugees," and camps have been established to accommodate them. Most still have family ties in

Mozambique and intend to return there when they can. The Government has indicated its willingness to continue to permit the Mozambicans to stay until they can be voluntarily repatriated. International assistance is being provided to them in the interim. There are still reports of Mozambicans being turned back across the border, however. On the other hand, the Government has successfully applied pressure on Zambia and Botswana to return certain Zimbabweans who have taken refuge in those countries. In some cases, the Government has claimed that the persons involved were implicated in criminal activities, although these individuals have claimed to the local authorities in their countries of refuge that they were wanted only for their political affiliations or activities.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Zimbabwe is governed, under a Westminster-style parliamentary system, by the Zimbabwe African National Union (ZANU) led by Prime Minister Robert Mugabe, which won 57 of the 80 seats reserved for blacks in the House of Assembly in the 1980 general election. The Zimbabwe African People's Union (ZAPU) of Joshua Nkomo won 20 seats, and Bishop Abel Muzorewa's United African National Council (UANC) won 3 seats. An additional 20 seats are reserved under the Lancaster House Constitution for representatives elected by the white voters. Mugabe included Nkomo and other ZAPU members in his first cabinet, but several were expelled in 1982 for alleged anti-government activity on the part of ZAPU. Their ZAPU replacements, except for two deputy ministers, were sacked in November 1984 when Mugabe accused ZAPU of complicity in the murder of a senior ZANU Senator by dissidents. The Government also includes two Ministers and one Deputy Minister drawn from the white community.

Prime Minister Mugabe, as leader of the largest party, which draws its strength from the largest major ethnic group in the country, has often stated his desire and intention to establish a one-party state in Zimbabwe. While he has been careful in the past to couple that statement with an affirmation that any such change would be achieved by constitutional means, he has suggested that if his party should win a massive victory in the next general elections, scheduled for early 1985, he would take that as a mandate to bring about a one-party state more promptly.

Zimbabwe has held only one general election, which took place immediately before independence in 1980. It was generally perceived by outside observers to have been free and fair. The next general election is expected to take place in the first half of 1985. There have been several by-elections for vacated parliamentary seats and municipal elections in 1984 which have generally been conducted fairly. In the various municipal elections, ZANU candidates won in those areas where the party is strongest, but they were defeated in predominantly-ZAPU Bulawayo, Zimbabwe's second largest city. There have been reports of various forms of electoral intimidation being applied in more rural areas by ZANU cadre or security forces.

Parties outside government, and some individuals not affiliated with any party, have not hesitated to voice their opinions on issues both large and small. This is especially true in Parliament, where there has occasionally been dissent within the majority's ranks as well.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Zimbabwe Government is sensitive to criticism of its human rights practices. It has failed to publish a report from a government-appointed commission of inquiry that was created in 1983 to investigate alleged human rights violations in Matabeleland earlier that year, despite assurances by Prime Minister Mugabe that such a report would be made public. The Government has also failed to respond to repeated queries on alleged human rights violations from non-governmental organizations and private citizens.

Within Zimbabwe, the most notable organization monitoring the human rights environment is the Catholic Commission for Justice and Peace, which has been in existence for nearly 20 years. The Commission has been careful over the years to speak out about all violations, whether they concern whites or blacks, pro- or anti-government persons. It draws its information primarily from the network of Catholic clergy and laymen throughout the country, but it also receives information from persons outside the church. The Commission works carefully within the law. The continuation of security problems and of human rights abuses in Matabeleland has led other church and non-governmental organizations to focus on human rights concerns and to question the Government on them.

Senior government officials in 1983 and in 1984 repeatedly failed to respond to requests from the International Committee of the Red Cross that it be permitted to visit alleged detention camps and at times denied the camps' existence. Similarly, the Government has failed to address requests by private citizens and other locally based non-governmental organizations to investigate a variety of alleged human rights problems.

Amnesty International in its 1984 Report expressed concern about the detentions without trial of alleged political opponents of the Government, and about allegations of torture. Freedom House terms Zimbabwe "partly free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The Government of Zimbabwe has tried to correct the substantial imbalance between black and white standards of living that existed before independence by providing greater opportunities and services to the black population. Whites comprise less than 120,000 of the total population of 8,383,000. Economic and financial constraints have slowed government implementation of a number of programs, notably land resettlement, but the expansion of health care and universal primary education for all Zimbabweans and the reduction in income disparities have proceeded steadily. Gross domestic product per capita was roughly $713 in 1983 (a drop in U.S. dollar terms but a slight rise in local currency).

Health care available to Zimbabwe's population--growing at a rate of 3.3 percent a year--varies widely between urban and rural areas. Despite considerable emigration of skilled medical personnel since independence, hospitals and clinics in the urban areas still provide relatively good service. The rural population is less likely to have easy access to basic medical care, primarily because Zimbabwe still lacks sufficient personnel and infrastructure to reach all areas of a country as large as Montana. The Government's program to expand rural clinics, while it has grown rapidly, is several years short of meeting health needs in all remote areas. The average life expectancy at birth (1984) is 56.54 years, up from 54.41 at independence. The infant mortality rate in 1984 is 102.40 per 1,000 births (up from 87.3 the year before), which probably reflects drought and improvements in the data base, rather than a decline in national health standards for the newborn.

Zimbabwe has traditionally been one of the few countries in sub-Saharan Africa able to feed itself. Indeed, until the major drought, which began in 1982 and has not yet broken, it exported and even donated maize to its less fortunate neighbors. The nutritional balance is skewed in favor of urban dwellers, but barring drought even the rural population has access to an adequate diet. In 1982, the Government instituted an extensive drought-relief program to provide staples to affected rural areas. When the flow of relief supplies to some sections of Matabeleland was interrupted during the curfew of February-April 1984, it was alleged that the Government was using hunger as a weapon to obtain the cooperation and political loyalty of the affected population. The Government has denied any such discrimination and shortly after international attention was drawn to the issue, food deliveries resumed. There were no substantiated reports of deaths as a result of drought relief shortages. It was estimated in 1977 that caloric intake as a percentage of requirements was 107.78 percent for the nation as a whole; no more recent figures are available.

The Government currently estimates that there are more than 2.6 million children in school in Zimbabwe, over 3 times the number at independence in 1980. Because of budgetary constraints and skills shortages, however, the Government has not been able to meet the demand for classrooms and teachers. In addition, the Government has had to abandon its original intention to make all schooling free of charge and some schools, especially at the secondary level, are reinstituting fees. Nonetheless, educational opportunities are greatly increased over preindependence levels. In 1982 it was estimated that 145.66 percent of the children in primary school age group were actually enrolled; this oversized figure represented children whose schooling had been interrupted by the guerrilla war and who had returned to the classrooms when the security situation stabilized. The number has probably dropped somewhat in the past two years. It was estimated that 31.2 percent of the total adult population was illiterate in 1980; since then adult literacy classes have sprung up all over the country and the percentage of illiterates has doubtless been reduced.

Despite efforts to clarify and modernize the situation, the legal status of women in Zimbabwean society remains ambiguous. In 1980 the Government passed the Legal Age of Majority Act which gave all women over the age of 18 equal legal rights, including the right to arrange their own marriages and to own property apart from their husbands. On the other hand, the system of "lobola," or bride price, is still the social norm, and the reality of equal rights remains elusive. A recent ruling by the Supreme Court found that fathers may no longer sue for "seduction damages" from a male suitor who has impregnated a daughter over the age of 18; the woman herself may sue, however. The widespread public reaction against this ruling is indicative of the power of traditional norms in a society whose government seeks equality of the sexes according to contemporary standards.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: ZIMBABWE

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 75.0 | 64.0 | 47.8 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 75.0 | 64.0 | 47.8 |
| A.AID ................. | 75.0 | 60.0 | 41.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 75.0 | 60.0 | 41.0 |
| (SEC.SUPP.ASSIST.)... | 75.0 | 60.0 | 40.0 |
| B.FOOD FOR PEACE....... | 0.0 | 4.0 | 6.8 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 4.0 | 6.8 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.0 | 4.0 | 6.8 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 4.0 | 6.8 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.1 | 0.1 | 0.2 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.1 | 0.1 | 0.2 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.1 | 0.1 | 0.2 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 75.1 | 64.1 | 48.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 75.1 | 64.1 | 48.0 |
| OTHER US LOANS.......... | 6.1 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 6.1 | 0.0 | 0.0 |
| ALL OTHER............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 14.0 | 267.6 | 113.4 | 638.6 |
| IBRD | 0.0 | 202.0 | 96.1 | 477.1 |
| IFC | 0.0 | 0.0 | 2.3 | 40.3 |
| IDA | 0.0 | 38.9 | 0.0 | 53.9 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 12.2 | 0.0 | 0.0 | 12.2 |
| UNDP | 1.8 | 2.4 | 0.0 | 9.7 |
| OTHER-UN | 0.0 | 4.3 | 0.0 | 10.4 |
| EEC | 0.0 | 20.0 | 15.0 | 35.0 |

# CENTRAL AND SOUTH AMERICA

## ANTIGUA AND BARBUDA

Antigua and Barbuda, which celebrated its third anniversary of independence from the United Kingdom on November 1, 1984, is a member of the British Commonwealth. The observance of human rights practices is both supported by law and reinforced by the democratic political values and traditions that evolved prior to independence.

The Constitution, which came into effect with independence, establishes a parliamentary system of government based on majority rule, and requires general elections at least every five years.

The country's political development has continued along democratic lines. Its population has a literacy rate of 88 percent, supports democratic values and practices, and can express dissent openly, aided by a free press.
Security forces consist of the police and a small infantry unit, the Antigua Defense Force. The police are organized, trained, and managed along British lines. The security forces generally have a good reputation for respecting human rights in law enforcement.

The country is still developing economically, and poverty is widespread despite active development efforts centered on increasing investment. Although the state holds equity in some enterprises, the private sector is strong and individuals are free to pursue private interests and hold private property. However, some political opponents of Prime Minister Vere C. Bird, Sr. complain that their businesses have suffered from government retaliation for their political activities.

In 1984, the state of human rights in this newly independent democracy continued to be good.

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

No instances of political killing were reported in 1984.

#### b. Disappearance

No disappearances, extra-legal detentions or politically-motivated abductions were reported in 1984.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There are constitutional prohibitions against torture and cruel or inhuman treatment of prisoners or detainees. These prohibitions are respected in practice. Prison conditions are adequate, and regular visits by a prisoner's family and attorney as well as by members of the clergy are permitted.

#### d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention is constitutionally prohibited, and does not occur. The right of habeas corpus is legally guaranteed, and anyone detained must be brought before a court within 48 hours. There have been no reported cases of exile.

## ANTIGUA AND BARBUDA

### e. Denial of Fair Public Trial

Accused persons are guaranteed a fair, open, and public trial. The judiciary is independent and is widely respected for its fairness and professionalism. The highly regarded regional West Indies Court of Appeal serves Antigua and Barbuda. Persons without means to retain a private attorney are guaranteed legal assistance at government expense.

There are no political prisoners in Antigua and Barbuda.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Arbitrary police or government actions against a person's home, family, or privacy have not been reported. A warrant must be obtained prior to the initiation of any search of private premises. There have been charges of mail tampering from left-wing elements, but no evidence has been produced and no cases brought to court.

## Section 2 Respect for Civil Rights Including:

### a. Freedom of Speech and Press

The Constitution guarantees freedom of speech, press, and other forms of communication. However, the electronic media, which are the only source of daily local news, are dominated by the Government (ABS radio and ABS-TV are state-owned, and the only privately-owned station, ZDK radio, is controlled by the Prime Minister's family). Opposition politicians have complained that they have almost no access to air time for the presentation of their positions. The situation is different in the print media. Weekly newspapers representing the opposition can and do publish a variety of opinions and attacks on the Government. Religious organizations also publish their own newspapers.

### b. Freedom of Peaceful Assembly and Association

The Constitution assures the right of peaceful assembly. Peaceful public meetings and organized demonstrations are held without police interference. Probably less than a majority of workers belong to unions, but labor organizations are free to organize and bargain on behalf of members. The right to strike can be limited depending on the involvement of the industrial court in a given dispute. Unions are free to affiliate with international labor bodies.

### c. Freedom of Religion

The free exercise of religious beliefs is fundamental in Antiguan life. While the population is overwhelmingly Protestant, adherents to other religious denominations proselytize openly without stigma or government interference.

Some foreign members of the Bahai faith in previous years have claimed they have been warned to refrain from involvement in politics and to limit their evangelical activities, or risk the revocation of work permits and residency status. The evidence indicated that this harassment probably resulted from the prejudices of individual officials involved. The Ministry of Legal Affairs and the Office of the Attorney General have been monitoring the situation, and no complaints were received in 1984.

Members of the small Rastafarian cult have in the past complained of harassment, resulting in part from their reputation for using, cultivating, and selling marijuana, and most of those subjected to police searches for drug dealers and smugglers have been Rastafarians. However, there were no reports of such problems in 1984.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on the movement of citizens within Antigua and Barbuda. Travel outside the country is generally unrestricted, although a few political opponents of the Bird Government have had their passports confiscated to ensure their attendance at legal proceedings which they claimed were politically motivated.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Antigua and Barbuda has a multiparty political system which accommodates widely divergent views. All citizens 18 years of age and older may vote if registered. Individual parties conduct voter registration drives free from government interference. The Government is obligated by law to hold voter registration during a fixed period each year.

Early elections held in April 1984 (they were not required until the following April) gave the present government an overwhelming victory. The Antigua Labor Party won every constituency in Antigua. In Barbuda, the sole seat was won by an independent, who thus became the Government's only parliamentary opposition. However, there are no allegations that the elections were other than fair and open.

One of Prime Minister Bird's sons is Minister of External Affairs, Economic Development, Tourism, and Energy; another is Minister of Public Utilities and Communications. The opposition energetically attacks the Bird government, in particular over the issue of alleged corruption. Separatist feeling in the smaller island of Barbuda (with an estimated 1,200 of the country's entire population of 81,000) remains a problem with which the Government must deal.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

Internationally recognized human rights organizations have not expressed particular interest in Antigua and Barbuda; there have been no requests for investigations or inquiries into alleged violations. The Government is sensitive to human rights issues, and it has joined international condemnation of human rights abuses elsewhere, especially those in South Africa and Central America.

Amnesty International did not mention Antigua and Barbuda in its 1984 report. Freedom House describes the country as "free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Tourism dominates the Antiguan economy. Latest figures indicate that half of the country's gross domestic product (GDP) is derived directly or indirectly from tourism. The per capita GDP was estimated at $1,537.60 for 1982. There has been little growth in the economy over the past two years.

The decline of agriculture after 1967, when Antigua and Barbuda became semi-autonomous, caused the countryside to lose its population to the city. With agriculture now accounting for less than 15 percent of the GDP, the Government is promoting a "back to the land" movement, providing financial incentives to young men and women willing to work in the agricultural sector.

Manufacturing accounts for another 15 percent of GDP, but recent economic decisions by other Caribbean Community members have limited growth in this sector. Factory closings and bankruptcies have led to increased unemployment and government budgetary shortfalls, as tax revenues from manufacturing dry up. Efforts to attract foreign investors continue, but the primary problem remains the identification of potential foreign markets for domestically manufactured goods.

The Government has continued its capital development program for education and health. Adult literacy approaches 90 percent, and enrollment of eligible children in primary schools has risen to 85 percent since 1981. The Government has earmarked funds to upgrade secondary and higher education. Infant mortality has dropped to 27.3 per thousand live births, and annual population growth is 1.3 percent.

There are no legal restrictions on the role of women. The traditional perception of the role of women, particularly in rural areas, confines them to home and family, but this is changing. The Government has instituted programs, including the enhancement of educational opportunities for both sexes and family planning, which are expected to lead to further opportunities for women.

Currently, the Government of Antigua and Barbuda has two female senators, (an increase of one following the April 1984 elections), the highest ranking female political figures in the country. The Permanent Secretary in the Ministry of Health and the Chief Establishment Officer [equivalent to a director of personnel for the entire government] are both women. A woman also heads the Department of Tourism. There is a "woman's desk" in the Government to monitor complicance with the laws and statutes regarding women and to safeguard their legal rights. Ninety percent of the Assistant Permanent Secretaries in the Government are women. Six out of ten personnel in the Civil Service of Antigua are women. Women receive equal pay for equal work by law.

## ARGENTINA

In 1984 Argentina continued to consolidate the dramatic improvements in its human rights situation stemming from the successful 1983 transition of a military government to a freely-elected civilian government. Argentina is once again a constitutional democracy with an executive branch, an independent bicameral legislature, and an autonomous judicial system. Political debate was free and open, and all parties had access to the media. There was a high level of public participation in discussing the issues of the day.

Full respect for civil rights returned to Argentina in 1984. Press restrictions ended and controls on the largely government-owned electronic media were the least restrictive since the 1976 military coup. Freely-elected national and provincial legislatures reopened. An independent judiciary functioned normally by the end of 1984. Trade union freedom was greater than at any time since 1976; strikes occurred, including one national strike on September 3, and most unions completed leadership elections by the end of the year.

There were also improvements in respect for individual rights and, for the fourth year in a row, there were no disappearances. Human rights groups continued to demand a complete accounting for past disappearances and punishment for those responsible. President Raul Alfonsin appointed the National Commission on the Disappearance of Persons, which completed its report in September. He also created a special, permanent human rights office in the Ministry of the Interior to continue the work of the commission. Among other steps to institutionalize human rights were new laws strengthening the right of habeas corpus and making torture a crime, signing and ratifying the Inter-American Human Rights Convention, and supporting the United Nations Convention on Torture. The provincial government in La Rioja began mandatory human rights courses at all schools and for all provincial policemen.

During 1984 Argentina continued to be beset by a number of severe economic problems, including a 688 percent annual rate of inflation and foreign debt-servicing difficulties. The Government has taken steps to address those problems, including the negotiation of an agreement with the IMF. Argentina's population of 30.2 million had a per capita gross national product of $2,520 in 1982.

There were very few human rights problems in Argentina during 1984. These arose largely from the problem of how to deal with trying and punishing those responsible for the abuses of the late 1970's.

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

There is no outstanding charge by human rights groups of any death occurring during 1984 that was politically motivated or instigated by the Government. At the end of December, one Argentine press report noted that 1984 was the first year since 1968 in which no political killings occured in Argentina.

### b. Disappearance

In 1984, for the fourth consecutive year, there was no evidence of disappearances. Accounting for the large number of persons who disappeared between 1973 and 1980 and punishing those responsible continued to be major issues, however, and courts continued to investigate cases of unmarked graves. Some exhumed corpses were identified as individuals who had disappeared. President Alfonsin declared at a year-end press conference that his Government had not found any disappeared persons alive. Some human rights groups have documented cases of children of disappeared parents being raised by adoptive parents, in some cases former security officers. In at least one case, a child has been reunited with its grandparents.

On December 15, 1983, just five days after his inauguration, President Alfonsin ordered the creation of a National Commission on the Disappearance of Persons to help clarify what happened to the people who disappeared. The commission's tasks included: receiving charges and evidence concerning cases of people who disappeared for submission to the courts; investigating the whereabouts of missing persons; establishing the whereabouts of missing children; and denouncing in the courts any attempts to conceal, steal, or destroy evidence related to disappearances. The commission, which gave its report to President Alfonsin on September 20, also compiled a carefully documented list of missing persons containing 8,961 names. The President promised to submit the findings to the courts, which will decide if there is sufficient evidence for trials to be held. Punishing those responsible for disappearances is a controversial issue in Argentina. Human rights groups charge that a number of bombings and other violent attempts to obstruct justice occured in 1984. Alfonsin also created a special, permanent office in the Ministry of the Interior to replace the commission and to continue its work. That office will also receive any future reports of rights violations, file court cases, enforce human rights laws, produce new draft human rights legislation, and launch relevant education and information campaigns about human rights.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits the use of torture. In at least two cases, judges sentenced police officials to prison terms of at least three years for having tortured prisoners in years prior to 1984. In one of those cases, a judge also sentenced police medical officers to two years in prison for covering up torture and for producing falsified reports. Some allegations of torture by police officials, mostly of beatings, were made in 1984. During 1984 judges increased their efforts to curb the use of torture. For example, a judge in Cordoba city made an unexpected visit to that city's sixth provincial police precinct, interviewed prisoners individually, and found six prisoners who claimed to have been tortured in April. The judge then had twelve provincial policemen, including the precinct chief, detained and indicted for torture.

Incidents of violence by unknown assailants, generally believed to be non-governmental, occurred during 1984 and became more numerous in the last quarter of the year. Some appeared to be related to the political or labor activities of the people involved. For example, in October a Buenos Aires neighborhood Peronist party council member was kidnapped at gunpoint, allegedly tortured for four hours (with cigarette burns and beatings), and interrogated about the activities of Peronist party leaders. The Government is investigating the attack.

In December 1983, President Alfonsin submitted a proposal to Congress to make torture a crime, liable to the same punishment as murder, i.e., life imprisonment, and in 1984 Congress approved a criminal code reform punishing torture with the same penalties applied for homicide. Torture (where no death resulted) can now be punished by prison sentences ranging from eight to 25 years, plus permanent exclusion from public office; life imprisonment is an automatic punishment in all cases where the victim was tortured to death.

The Alfonsin Administration appointed a new Director of the National Prison Service who immediately instituted reforms designed to improve prison conditions. Moreover, Argentine senators and congressmen visited prisons and pushed for improved conditions and reforms, with success. Prisoners and their relatives told the press that prison conditions improved after the civilian Government took office. Journalists were allowed to interview prisoners and to visit inside the prisons, a practice that had not been in effect previously. Despite the improved conditions, there were protests, hunger strikes, and riots in some of the prisons during 1984, and three prisoners committed suicide, one supposedly because his request for release had been denied. The prison protests resulted from prisoners' demands for better food and work conditions and a reduction in their sentences. In June, hundreds of prisoners at Caseros Prison in Buenos Aires, infuriated by the news that one of their fellow inmates had died following an operation in the prison hospital, created one of the worst riots in the annals of Argentine penal history.

### d. Arbitrary Arrest, Detention, or Exile

Argentina has a well-developed legal code containing provisions such as habeas corpus and controls on police arrest and investigatory powers. In 1984 Congress passed a law that strengthened the right of habeas corpus by giving judges greater authority. The Argentine penal code, however, gives the police and courts authority to detain persons incommunicado for up to eight days. Even in the case of minor offenses, holding of suspects incommunicado for a few days is common. The Constitution also confers power on the executive branch to detain persons indefinitely under a State of Siege, which was lifted on October 29, 1983.

### e. Denial of Fair Public Trial

For the judiciary, 1984 was a year of transition. By the end of the year it was functioning normally after having overcome such problems as slow Senate approval of judges. The major backlogs in cases now being handled continue to be a serious problem.

At the beginning of 1984, some Argentine human rights groups claimed there were still 147 so-called political prisoners in Argentina. The Government disagreed and said those prisoners had been convicted of crimes by either civil or military courts and the Government could not summarily overturn those verdicts. Instead, the Government suggested that the prisoners request a judicial review of their cases. Many prisoners did, and some of these were released during 1984.

In July, a law took effect shortening the sentences of prisoners who were sentenced between March 24, 1976, and December 10, 1983 (the period of military rule). By December the number used by human rights groups had dropped from 147 to 15, most of whom had been convicted of violent crimes under a civilian, constitutional government before the 1976 military takeover. President Alfonsin stated in December that "There are no political prisoners. . . but criminal prisoners with political connotations."

The Argentine penal code provides for open trials, and all rulings by lower courts, civilian and military, may be appealed to the Supreme Court. In its first decision since being appointed by President Alfonsin, the new five-member Supreme Court in January ruled unconstitutional the trial of civilians by military tribunals. The court simultaneously annuled a prison sentence given by the Supreme Council of the Armed Forces to an alleged terrorist, and in May quashed the prison sentence given to a conscript soldier in 1974.

President Alfonsin, in December 1983, ordered the Armed Forces Supreme Council to try the nine leaders of the military governments in power from 1976-82 for homicide, illegal imprisonment, and torture of prisoners. However, numerous human rights cases against military personnel were pressed in civilian courts, which sometimes only relinquished jurisdiction after considerable publicity and, on occasion, appeal to higher courts. Human rights leaders wanted civilian judges to try military personnel charged with human rights abuses. In June the Supreme Court overruled lower courts and ordered the trial of former President and retired army Major General Reynaldo Bignone by the Armed Forces Supreme Council in the case of three conscripts who disappeared in 1976. That Supreme Court decision confirmed the constitutionality of the amendment to the code of military justice passed by Congress earlier in 1984, which provided for military trials of all military and security personnel involved in crimes related to the suppression of subversion prior to mid-1982, subject to final appeal in civil appellate courts. Nevertheless, when the Armed Forces Supreme Council did not complete the trials of the junta members by October, a civil appellate court decided to take over the trials, based on a suit brought before the court by civilians. The appellate court, however, took over only the cases against the junta members, and left all other trials involving alleged human rights violations by military and security personnel to the Supreme Council of the Armed Forces.

In late December, the Supreme Court ruled against an appeal by the Junta members and upheld civil jurisdiction of the cases. The Supreme Council of the Armed Forces resigned en masse in November, at least partially to protest the Ministry of Defense's alleged failure to defend the Council from the criticism which followed its announcement that it could not complete the junta members' trials by the assigned deadline. However, the Council continued to function throughout December, pending government action on the resignations and possible replacements.

President Alfonsin also ordered in December 1983 that legal action be taken against seven terrorist leaders for their crimes during 1976-1982. Mario Firmenich, allegedly a leader of the Montonero terrorists, was extradited to Argentina by Brazil in October of 1984 to be tried on several charges, including double homicide. Ricardo Obregon Cano, former Governor of Cordoba Province, was arrested and charged with illegal association (with the Montoneros).

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.

There were few reported cases of arbitrary intrusion by the state into the private life of individuals in Argentina in 1984. In September, however, a federal judge ordered Congress to return documents confiscated by a lower house investigative committee from the law offices of a former government official. The judge, responding to a complaint filed by the former official, said that he did not question the committee's investigative powers but ruled that the committee was not empowered to confiscate private documents in private homes and offices without a judicial warrant. The Buenos Aires Bar Association and some congressmen criticized these unauthorized searches and impounding of documents. Other congressmen insisted on Congress' right to carry out such actions and the judge's ruling was appealed. The appellate court upheld the judges ruling, but the Congressional committee will carry its appeal to the Supreme Court, which will make the final decision.

The Federal Criminal Court of Appeals acquitted a woman in August who had been charged with illegal possession of weapons, declaring illegal the police raid on her home during which the weapons were found. The court said the police had trespassed and should have obtained a judicial warrant first.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

There were very few restrictions on freedom of speech and press in Argentina during 1984. Criticism of the Government is tolerated and opposition viewpoints are freely expressed. Congress, however, did have two people arrested and detained for several days for having made derogatory remarks about Congress and some of its members. An independent press offers views that cover the entire political spectrum, and an independent judiciary and a functioning democratic political system work to insure freedom of speech and press.

Some human rights leaders claimed that the Government would not let them appear on government-owned television; the Government denied the charge.

### b. Freedom of Peaceful Assembly and Association

Since August 1982, all groups and parties, except subversive organizations outlawed for espousing violence, have been free to organize and assemble. Major rallies were held by political parties, including the Communist Party, during 1984.

The labor movement is once again a major independent political and economic force. The new Government moved to restore organized labor's full rights, and there was extensive debate and action on trade union legislation in Congress. However, the impact of the prolonged suspension of normal trade union activity under the previous military Government has complicated the process. For example, most trade unions have not been able to hold elections in ten years, and the incumbent leadership has been extended in office. To revalidate the authority of leadership at all levels of organized labor, elections are being held under legislation reflecting considerable input from labor itself. This process should be completed early in 1985. In the meantime, the de facto leadership of organized labor does speak to management and the Government on worker-related issues. Unions strike to support their demands. Wage settlements are generally decided by the Government, often after consultation with labor and management. In addition, the Government opened formal talks with labor and sectors of the business community on a social pact covering policies to be followed to meet the grave economic crisis facing the country.

The previous military Government intervened in the affairs of many unions and their social welfare organizations and suspended collective bargaining. Some traces of those restrictions remain and will continue until the union election process is completed. Some unions still have officials appointed by the military Government who are continuing to work in a temporary capacity to assist the election process and transition to the newly-elected leaders. Many trade union social welfare organizations are still intervened with. In this case, the Government plans legislation redefining their operations and is pledged to discuss this legislation with organized labor.

On September 29, 1984, Congress passed a law revoking the decree of the military Government that suspended collective bargaining. The law provides that normal collective bargaining procedures be fully restored within one year.

Unions are free to maintain ties with international labor organizations as they see fit; they participated in international labor conferences during 1984. At the annual International Labor Organization conference in June, Argentina was singled out for praise because of the return to democracy and the progress made in improving trade union freedoms.

### c. Freedom of Religion

Argentina's Constitution states that everyone has the right to practice his religion, but it also states the Federal Government supports Roman Catholicism. The Constitution also requires the President and Vice President to be members of the Roman Catholic Church. Religions other than Catholicism must register with the Government to obtain the legal recognition required to operate freely in Argentina. In July the Government granted long-pending legal recognition to the Jehovah's Witnesses. About 300 Witnesses, all Argentine nationals, remain prisoners for refusal to accept compulsory military service. The usual penalty is three and one-half years of civilian service at military installations. Conditions are not onerous and the prisoners are given furloughs for as much as a month at a time. Judges have ruled that the punishment was excessive and ordered Witnesses released in a few individual cases in 1984. In December 1984 the Alfonsin Government submitted to Congress legislation which would permit alternative service, probably lasting longer than conscripts' one year of military service, for conscientious objectors opposed to military service on moral or religious grounds.

Argentina's Jewish community (about 250,000) practices its religion without restraint. Although occasional anti-semitic incidents occur, there were fewer such incidents in 1984 than in 1983. Recent military and civilian governments have publicly condemned religious prejudice. In September, the executive branch submitted to Congress a draft bill condemning racial, religious, and other forms of discrimination. Congress did not act on the bill by the end of the year. Missionaries are permitted to enter Argentina and to proselytize. The non-Catholic population is growing.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Internal and foreign travel and emigration are basically unrestricted. Several thousand former exiles returned to Argentina during 1984, many as a result of the Government's policy of encouraging such people to return, and about 3,000 returned with financial assistance from the United Nations High Commission for Refugees (UNHCR). In June, the Government created a national commission to facilitate the return of Argentines abroad. Also, the Executive Branch issued a decree in April that reestablished the citizenship of all Argentines who were deprived of their Argentine nationality by the previous military Government. In September, Congress amended Argentina's law concerning refugees to extend the status of refugee to any exiled foreigner seeking asylum in Argentina. Previously, only people of European origin could obtain refugee status. President Alfonsin signed the bill into law. The change is expected to benefit thousands of people, and will allow the UNHCR to provide more help to non-European refugees than in the past.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

In October 1983 the President, Vice President, two senators, all 254 deputies of the lower house of the legislature, provincial governors and legislators, and mayors and municipal councils were elected directly in free and democratic elections. Another 44 national senators were elected by provincial legislatures in November 1983. Elections for one-half the national deputies in the lower house and for a proportion of the members of each provincial legislature will be held in 1985.

Thirteen political parties covering the political spectrum, including the Communist Party, qualified as national parties and presented candidates. Other parties qualified in individual provinces. There is a large, politically important, active opposition that operates openly.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

Argentina cooperates with both the UN Human Rights Commission and the Organization of American States Inter-American Human Rights Commission (IAHRC). The Executive Secretary of the IAHRC visited Argentina in March and praised the new Government's work in the human rights field. In October, the IAHRC's annual report praised President Alfonsin for his dedication to strengthening the rule of law and consolidating a democratic system in Argentina. The Inter-American Human Rights Court convened in Argentina in October, its first session ever outside its seat in San Jose, Costa Rica.

In 1984 Argentina signed and ratified the Inter-American Human Rights Convention. Congress' lower house also approved the UN Convention on Civil and Political Rights and the UN Convention on Economic, Social, and Cultural Rights in February. The Senate was studying those conventions when it adjourned its ordinary session in October. The civilian Government also reversed its military predecessor's position on the draft UN Convention on Torture and supported the draft, the first time an Argentine Government had done so. The new Argentine position resulted in the completion, after six years, of the draft for presentation to the UN General Assembly which subsequently approved it.

Two new private human rights organizations, the Association of Former Detained and Disappeared Persons and the Office of Solidarity for Argentine Exiles, were established in 1984, bringing to 11 the total of these groups in Argentina. Human rights organizations operated freely in 1984 despite some harassment from unknown sources. Various human rights activists reported receiving anonymous death threats. The homes of two and the office of a third were bombed. Nevertheless, human rights groups stepped up their activities and expanded their efforts in 1984, primarily by bringing cases to court either to account for the "disappeared" or to seek punishment of those alleged to be responsible for the disappearances. They also urged that human rights instruction be included in school curricula. The active role of the Mothers' of the Plaza de Mayo in organizing demonstrations against the Government policy of trials initially by military courts prompted President Alfonsin to state that the group has political objectives which do not coincide with Argentine national interest.

Amnesty International's 1984 report, covering 1983, stated that after a civilian Government took office in Argentina in December 1983, official efforts got under way to trace the fate of thousands who had "disappeared" in earlier years, and that by the end of 1983 more than 200 prisoners of conscience, some of whom had been detained without trial for seven years, had been released following the lifting of the State of Siege. Freedom House rates Argentina "free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Notwithstanding 688% inflation in consumer prices during 1984, with 28 percent of the people living below a government-defined poverty level and the continued existence of a few pockets of abject poverty, most of Argentina's population of 30.2 million continued to enjoy a relatively good standard of living.

The rate of unemployment and underemployment fell during the first half of 1984 to a combined level of 9 percent. At the end of 1984 the Government introduced a system of unemployment compensation for up to six months (in some cases nine). Real wages increased for lower-income groups in 1984, while they decreased for middle-and high-income groups. The population growth rate in 1984 was 1.6 percent.

## ARGENTINA

Women in Argentina are active in government, the professions, politics, and private voluntary organizations, but they have to contend with a variety of discriminatory mechanisms that are rooted in cultural, economic, and social structures. For example, married women living in Argentina must have the permission of their husbands to travel abroad with their minor children if the husband is not accompanying them, although new legislation submitted by the administration in December 1984 would require permission of both parents for minor children to travel abroad. The same proposed legislation would give equal inheritance rights to legitimate and illegitimate children. There is no divorce in Argentina. There is no official policy of discrimination, however, and the Alfonsin Administration addressed the issue in its first year in office. In March, a government ministry (Health and Social Action) organized a three-day forum to commemorate International Women's Day. President Alfonsin closed the forum by stating that sex discrimination would be banned by law and a draft bill was submitted to Congress in September. The Government also paid homage to women on March 8 (International Women's Day) for the part they played in restoring democracy in Argentina. In July, Congress' lower house approved the UN Convention for the Elimination of Discrimination Against Women. The Senate was studying the convention when it adjourned its ordinary session in October.

Women participate freely in politics in Argentina. There were scores of women candidates in 1983 for the National Congress (ten won: three senators and seven deputies), several women candidates for governor (none won) and vice governor of provinces (one won), and three women candidates for vice president (none won).

In the largely middle-class Argentine society, 80 percent of the population lives in urban areas, and at least 65 percent own their homes (the same percentage as in the U.S.). The average Argentine enjoys a healthy, high-protein diet which provided 126 percent of the daily caloric requirement in 1977. Sixty-six percent of the population had access to safe water (1975). In 1984, life expectancy at birth was 70.6 years, and the infant mortality rate was 34.9 per 1000 live births.

The adult literacy rate in 1971 was 93 percent for males and 92 percent for females. The adjusted primary school enrollment ratio was 134 percent in 1982 (Male: 134; Female 133). In the Province of Buenos Aires, where approximately one-third of the nation's population resides, 93.6 percent of the 12-year old population was attending school at the time of the 1980 census, 1.7 percent had already graduated, and less than one percent had never attended.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
## (U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: ARGENTINA

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 0.1 | 0.0 | 0.1 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.1 | 0.0 | 0.1 |
| A.AID ................. | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.0 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.1 | 0.0 | 0.1 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.1 | 0.0 | 0.1 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.1 | 0.0 | 0.1 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 0.1 | 0.0 | 0.1 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.1 | 0.0 | 0.1 |
| OTHER US LOANS.......... | 551.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 551.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 533.4 | 593.9 | 210.3 | 4915.9 |
| IBRD | 400.0 | 100.0 | 0.0 | 1867.6 |
| IFC | 10.0 | 0.5 | 42.7 | 226.3 |
| IDA | 0.0 | 0.0 | 0.0 | 0.0 |
| IDB | 119.2 | 490.5 | 167.6 | 2761.7 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 4.2 | 2.9 | 0.0 | 56.7 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 3.6 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

# THE BAHAMAS

The Bahamas is a multiparty, parliamentary democracy with regular national elections. As a Commonwealth country, its political and legal traditions are similar to those of Great Britain, with emphasis on the rights of individuals. The Progressive Liberal Party has governed since 1967 under the same leader, Sir Lynden Pindling.

The country has a tradition of human rights observance. The Constitution provides for the protection of fundamental rights and freedoms without discrimination by reason of race, origin, political opinions, color, creed, or sex, and its provisions are carried out in practice. The judiciary is independent, and the Privy Council in The United Kingdom serves as the court of final appeal. No major changes occurred in the human rights record during 1984.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

There have been no killings for political motives during recent years. There are no known terrorist groups in the country.

#### b. Disappearance

There have been no cases of abduction, secret arrests, or clandestine detention.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and cruel or degrading treatment or punishment are prohibited by the Constitution. Both American citizens as well as Bahamians have on occasion reported instances of police brutality during the course of arrests or in obtaining confessions to crimes. Redress is possible through the courts, but it is rarely sought.

The downtown Nassau jail is crowded and unsanitary, with food barely adequate; conditions at the Fox Hill prison are austere and overcrowded but somewhat better. The Freeport central lockup is unsanitary.

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and imprisonment and requires that persons be charged without undue delay. This is observed in practice. Habeas corpus is respected, charges must be brought within 24 hours of an arrest, and those arrested are allowed access to lawyers of their own choosing.

#### e. Denial of Fair Public Trial

Trials are fair and public. The Constitution entitles defendants to counsel, and access to defendants is freely permitted. The judiciary is independent of executive or military control, and there is no political interference in its activities. There are no political prisoners.

## THE BAHAMAS

### f. Arbitrary Interference with Privacy, Family, Home or Correspondence

The Government does not interfere in the private lives of its citizens. The sanctity of the home is safeguarded by custom, law, and tradition and is respected in practice. The Constitution permits searches to occur only with a court-issued warrant. Personal privacy is respected, and there are no known cases of wiretapping or interception of correspondence.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Full freedom of speech and press exist in the Bahamas. There are three privately owned daily newspapers, one publicly owned radio station with three frequencies, and one publicly owned television station. There are several news weeklies, of which three are affiliated with political parties, including one affiliated with the leftist Vanguard Party. The television station is government-owned and has been accused by the opposition Free National Movement of political reporting biased in favor of the ruling party. There is no political censorship or intimidation of journalists. For example, in 1984, the local press published details of a commission of inquiry, investigating charges of official corruption, which were politically embarrassing to the Government. U.S. newspapers and magazines carrying such stories enter and circulate freely.

### b. Freedom of Peaceful Assembly and Association

The Constitution protects the right to assemble freely and associate with others and specifically mentions political parties and trade unions. Labor unions are independent of the Government and are free to organize, assemble, bargain, and strike. Many unions are affiliated with counterparts in other countries and in the International Labor Organization. The Secretary General of the Commonwealth of the Bahamas Trade Union Congress, an umbrella organization comprising most of the leading trade unions, also serves as President of the Caribbean Congress of Labor.

### c. Freedom of Religion

There is no state religion, freedom of conscience is protected, and discrimination on the basis of creed is prohibited. Some members of the small Rastafarian cult believe they are persecuted by the police, but the police assert that their actions have been directed against some illegal Rastafarian practices, such as drug use.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigraton, and Repatriation

There exists freedom of movement within and outside the country. However, an estimated 12,000-20,000 Haitians who left Haiti mainly for economic reasons now reside illegally in the Bahamas and have no legal status; during 1984 approximately 250 who had been incarcerated were repatriated to Haiti. The Bahamas continues to be concerned about the arrival of illegal aliens, principally Haitians, and insists upon its sovereign right to repatriate them to their country of origin. This problem appears to be economically rather than politically based.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Bahamas is a constitutional democracy governed by a freely elected Prime Minister and Parliament, with a resident Governor General under the British Commonwealth system. The political process is open to all elements of the society. There are two principal political parties, the governing and dominant Progressive Liberal Party and the opposition Free National Movement.

The Progressive Liberal Party led the country for five years of internal self-government before independence in 1973, and has held power without interruption since that time. It currently holds 32 of the 43 seats in Parliament. The Free National Movement, a more conservative party, holds the other 11 seats. The radical leftist party, the Vanguard, has no seats.

The last general election was in 1982 and new elections need not take place before 1987. Elections can be called sooner, however.

The Progressive Liberal Party has used its tenure in office to strengthen its political position through selective political appointments and by hiring political supporters as civil servants, which has drawn increasing opposition criticism.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

There have been no requests from international organizations to investigate human rights conditions in the Bahamas. The Government has not generally been active in human rights affairs but it has criticized human rights violations in South Africa. Amnesty International did not mention the Bahamas in its 1984 report. Freedom House rated the country "free" but noted that government power is partly maintained "by discrimination in favor of supporters and control over the broadcast media."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The Bahamas is made up of some 700 islands or cays; only 10 have populations of any size. Of these, two islands, New Providence (Nassau) and Grand Bahama, contain over 75 percent of the population. Most economic and cultural activities take place on these two islands. The Government has sought to develop the other, "family" islands to curb the movement by young people to the two major centers of activity.

The Bahamas has a good record of nondiscrimination on sexual, racial, and religious grounds. Notwithstanding the transfer of political power from the colonial era's white elite to a black majority (80 percent) in the 1960's, a few white Bahamians hold high-level civil service and political posts, and a few are in Parliament. Women participate prominently in all levels of business and government. In both law and practice women enjoy equal status. Women serve as Permanent Secretaries in ministries (the highest civil service position), one was elected to a seat in Parliament, and four have been appointed to the Senate. Women are well represented in the professional and private sectors. Many businesses are owned by women. Several magistrates are female, and women serve as uniformed police officers.

The current population is 228,000. Life expectancy at birth is 70.07 years, while infant mortality is 20.20 per 1,000 births. The annual population growth rate is 2 percent. The Bahamas has 925 hospital beds, and Ministry of Health doctors make regular trips to the outer islands. 1979 statistics indicate that 65 percent of the total population had access to safe water. The urban percentage was 100 percent, while the rural percentage was just 13 percent.

In education, the Government is continuing to place emphasis on technical and vocational training. While literacy rates have remained about 93 percent over the past decade, with a 1980 primary school enrollment ratio of 97.31 percent, a weakening of education in the public school system has resulted from shortages of teachers, equipment, and supplies as well as physical deterioration of many schools. There are 225 schools in the Bahamas of which 62 are private.

Per capita gross national product was estimated at $3,831 for 1982. The rate of inflation from August 1983 to September 1984 was estimated by the Department of Statistics at 3.90 percent, while the overall unemployment figure for 1979 was 19.6 percent (for those between 14 and 19 it is estimated at 42.1 percent, and 22.7 percent for those between 20 and 24). The Government is continuing to attempt to reduce unemployment by creating new jobs in tourism through both private and public investment.

Drug abuse is a growing problem, especially among the younger generation affected by high unemployment. Primarily the result of spillover from the drug traffic in transit to the U.S., the ready availability of high-grade cocaine has led to a high level of addiction. Several privately sponsored programs are attempting to address the problem, while the Government is reviewing the recommendations of a special task force called to study the situation.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: BAHAMAS

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.AID ................. | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.0 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 6.2 | 0.4 | 0.0 | 29.9 |
| IBRD | 5.8 | 0.0 | 0.0 | 22.8 |
| IFC | 0.0 | 0.0 | 0.0 | 0.0 |
| IDA | 0.0 | 0.0 | 0.0 | 0.0 |
| IDB | 0.0 | 0.0 | 0.0 | 2.6 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 0.4 | 0.4 | 0.0 | 4.5 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 0.0 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## BARBADOS

Barbados, a member of the British Commonwealth, is a constitutional democracy. Its House of Assembly is the third oldest elected body in the Western Hemisphere. It enjoys a free, two-party democratic system of the government modeled on the British System. The Prime Minister is the Head of Government.

The Royal Barbados Police Force insures public order; it respects the constitutional and legal guarantees of human rights. The quality of its personnel and training has improved in recent years, and morale is good. A well-established legal system modeled after the British system provides due process and other legal safeguards.

In 1984, per capita GNP in Barbados was $2,900. The mainstays of the economy are light manufacturing, tourism, services, and sugar.

In 1984, there were no changes in Barbados' excellent human rights situation.

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Unlawful or Arbitrary Deprivation of Life

No killings for political motives have been reported in Barbados.

#### b. Disappearance

There were no reports of disappearances in 1984.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is specifically prohibited by the Constitution, and there have been no reports that it is practiced, nor have there been reports of cruel, inhuman, or degrading treatment or punishment. Prison conditions are humane, although some overcrowding has been reported as a result of an increase in prison population, due principally to drug related crimes. Prison facilities are being expanded.

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and imprisonment, and this prohibition is respected in practice. The right of habeas corpus is guaranteed and observed; an individual must be taken before a court of law within 72 hours of arrest. Attorneys have ready access to their clients.

#### e. Denial of Fair Public Trial

The Constitution provides that anyone charged with a criminal offense be given a fair, public hearing within a reasonable time by an independent and impartial court. This is the practice, and defendants are presumed innocent until proven guilty. The Government provides free legal aid to the indigent. The judiciary acts independently and is free of intervention from other branches of government. There are no political prisoners.

### f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The Government of Barbados does not interfere arbitrarily in the private lives of its citizens. The Constitution prohibits arbitrary search or entry, which is respected in practice. Warrants are required for entry and search of privately owned property. There is no censorship of mail or restrictions on the receipt of foreign publications.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The Constitution guarantees freedom of speech and press, and these freedoms are respected in practice. Newspapers and radio stations function independently of the Government. The Caribbean Broadcasting Corporation Radio and Television Service, modeled after the British Broadcasting Corporation, is government-owned but is independent of government control. Opposition views are regularly reported.

### b. Freedom of Peaceful Assembly and Association

The constitutional guarantees of peaceful assembly and private organization are observed. Various trade associations and private organizations function without government hindrance. Fifty percent of the labor force is organized. Protests or strikes have occurred when collective bargaining has failed. Although one major union has some ties to the opposition party, labor leaders and the rank-and-file are motivated primarily by economic and social, not political, considerations.

### c. Freedom of Religion

There is full freedom of religion. While the Anglican and the Methodist faiths are predominate, there is a wide variety of religious organizations active in the country.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Citizens and legal residents move freely within and outside Barbados; the Constitution guarantees the right to do so. In replying to public criticism of some cricket players touring South Africa, the Government stated that it had no power to restrict such travel. Barbados has a small number of applicants for refuge and asylum admission who are handled on a case-by-case basis. Barbados is a party to the 1972 Convention on the Status of Stateless Persons.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Barbados is a parliamentary democracy, following the British model, in which parties compete freely in honest elections held at least once every five years. There are no impediments to participation in the political process. There is universal suffrage, the minimum voting age being 18 years.

The present government under the Barbados Labor Party came into office in 1976 and was reelected in June 1981 with 17 of the 27 assembly seats. The differences between the government party and the opposition Democratic Labor Party are based more on history and personalities than on ideology. Both parties tend toward democratic socialist policies, and they have assumed office in turn during three decades of self-rule. The "loyal opposition" criticizes the Government in generally constructive fashion and presumably would not hesitate to call attention to human rights abuses. There are no third parties at present, although there exists a miniscule but vocal leftist fringe group.

A by-election on July 19, 1984, necessitated by the resignation for health reasons of a member of the ruling party, resulted in a one vote victory for the opposition party. The Barbados Labor Party appealed the results of the election to the courts, which voided the election on the basis of irregularities by election officials with respect to several ballots, which, if counted, would have changed the results.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

There have been no reports of human rights violations in Barbados and human rights groups have not requested investigations. Barbados advocates strengthening the human rights machinery of the United Nations and the Organization of American States. The Government favors more investigations into alleged violations of human rights in other countries and the increased use of fact-finding or observer teams to monitor controversial political and electoral situations. The Government has spoken out on human rights violations in other countries, particularly in the Western Hemisphere and Africa. There are several small groups fostering consciousness of human rights.

Barbados is not covered in the Amnesty International Report for 1984. Freedom House gives Barbados a rating of "free" in both political rights and civil liberties.

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Barbados has a population of 252,000 with growth rate of only .3 percent due to continued emigration and a declining birth rate. The economy of Barbados, which until 1980 had enjoyed several years of solid growth, continues to show signs of weakness. The economic recovery that might have been expected to ensue from the upturn in the United States economy has not materialized.

Citizens have long had access to public and private educational systems, and the adult literacy rate is 99 percent. Primary school enrollment is compulsory. Looking ahead to future educational needs, the Government has begun expanding the secondary school system.

Adequate medical care is available to all residents through local clinics and hospitals under the Government's health program. There is one doctor for every 1,500 people. Average life expectancy for Barbadians is 71.95 years. Infant mortality is 20 per thousand live births. Government health insurance programs cover all Barbadians. Overall, Barbadians are well-fed.

## BARBADOS

There is no discrimination based on race or sex. Barbados is a signatory to the 1979 Convention on the Elimination of All Forms of Discrimination against Women. Women actively participate in all aspects of national life. One Cabinet member is a woman, and women are well represented at all levels in both the public and private sectors. Women's groups speak out on public issues and insist on being consulted by the Government on important issues.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: BARBADOS

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.1 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.1 |
| A.AID ................. | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.0 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.1 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.1 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.1 |
| II.MIL. ASSIST.-TOTAL... | 0.1 | 0.0 | 0.1 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.1 | 0.0 | 0.1 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.1 | 0.0 | 0.1 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 0.1 | 0.0 | 0.2 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.1 | 0.0 | 0.2 |
| OTHER US LOANS.......... | 0.0 | 0.3 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.3 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 2.7 | 16.7 | 46.8 | 167.3 |
| IBRD | 2.7 | 10.5 | 14.0 | 60.2 |
| IFC | 0.0 | 0.0 | 0.3 | 0.3 |
| IDA | 0.0 | 0.0 | 0.0 | 0.0 |
| IDB | 0.0 | 2.0 | 32.5 | 89.9 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 0.0 | 0.2 | 0.0 | 5.2 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 0.2 |
| EEC | 0.0 | 4.0 | 0.0 | 11.5 |

## BELIZE

Belize achieved independence on September 21, 1981, following seventeen years as an internally self-governing British colony. Belize has a parliamentary form of government with a competitive political party system and regular local and national elections. The People's United Party (PUP) was the dominant political force since it emerged to lead the movement for self-government and independence in the early 1950's. It controlled the national government from the time of internal self-government in 1964 until the first post-independence national elections in December 1984. In the December 14, 1984 national parliamentary election, however, the United Democratic Party (UDP) defeated the PUP, winning 54 percent of the popular vote and capturing 21 of the 28 seats in the House of Representatives. The election was peaceful, open, and honest. In addition, the UDP currently controls four of the eight municipal councils in Belize, including the Belize City Council.

The security apparatus consists of the Belize National Police and the Belize Defense Force (BDF). The National Police comprises approximately 600 men and women and has the principal responsibility for law enforcement and maintenance of order. The BDF consists of 800 active personnel and reservists, with both men and women serving. Although internal security is not the principal mission of the BDF, it occasionally assists in police activities. During 1984, BDF personnel conducted a number of joint operations with police to destroy marijuana fields and seize marijuana processing equipment.

The economy returned to positive growth in 1983-84, registering an increase in the GDP of one to two percent, but continues to suffer the effects of low world prices for sugar, which accounts for approximately 50 percent of Belize's foreign exchange earnings, and from the sharp reduction in the re-export trade to Mexico caused by the decline of the Mexican peso. Public sector finances came under substantial pressure in 1983-84 mainly due to declining revenues from the slack economy. The Government continues to pursue the goal of a mixed economy, encouraging private sector development and foreign investment, particularly for export production.

Human rights continued to be respected in Belize in 1984. Constitutional protections for the fundamental rights and freedoms of the individual are upheld by an independent judiciary and an equitable justice system. A free press and competitive electoral politics also serve to protect civil and political rights. There were no cases of political violence.

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

Unlawful or arbitrary deprivation of life and politically motivated killings were not reported in Belize during 1984.

#### b. Disappearance

There were no reports of disappearances in Belize during 1984.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Such treatment is prohibited by the Belizean Constitution and does not in practice take place.

Although penalties for possession and trafficking in illicit drugs were stiffened in 1984, sentences for these and other crimes are generally lenient compared to sentences imposed for similar crimes elsewhere in the region. The Government recognizes that prison facilities and prison service staff need upgrading, but continuing public sector financial constraints limit its ability to make these improvements. While prisons continue to be crowded, prisoners are adequately fed and have comparatively generous social and recreational privileges. Press reports of alleged police brutality involving rough handling of suspects declined during 1984.

### d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary imprisonment and guarantees the right of habeas corpus. A person is entitled to be informed within 48 hours of arrest of the reason for the detention and to be brought before a court within 72 hours. Release on bail is allowed for all but the most serious, violent criminal offenses. These procedural safeguards are routinely observed.

### e. Denial of Fair Public Trial

The Constitution specifically guarantees due process and the rights of accused persons: presumption of innocence, privilege against self-incrimination, right to counsel, and public trial. Trial by jury is mandatory in criminal cases. Protection for the integrity of the person in law corresponds to the actual practice of the courts. The judiciary is independent of the executive and is regarded as an effective guarantor of an equitable judicial system. There are no political prisoners in Belize.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the protection of family life, personal property, the privacy of the home, and recognition of human dignity. No violations of these guarantees have been reported during the past year.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The freedom of speech and press are guaranteed in the Constitution and respected in practice. The Government controls Belize's only radio station, but a wide range of political opinion is represented in the country's press. The opposition and independent newspapers are frequently critical of the Government. There are seven privately owned and operated television stations in Belize. A new broadcasting law was enacted in 1983, and the Government moved to implement it the following year by appointing a six-member board, the Belize Broadcasting Authority. The Authority has begun the process of licensing existing stations, but it has not acted to impair the freedom of television broadcasting.

### b. Freedom of Peaceful Assembly and Association

Constitutional guarantees of freedom of assembly and association and the right to form and belong to trade unions are respected in practice. Permits are required to hold public meetings, but such permits are routinely granted. There are eight independent labor unions representing approximately fifteen percent of the labor force. The National Trade Union Congress of Belize is affiliated with the International Confederation of Free Trade Unions through membership in the Caribbean Congress of Labor. Belizean unions engage in the full range of union activities. Labor disputes are normally settled through arbitration; the Labor Commissioner or joint labor-management panels serve as mediators. The Government has been expanding its contacts with the International Labor Organization (ILO) and is preparing for Belizean representation at the ILO, possibly in 1985.

### c. Freedom of Religion

There is no state religion. More than fifteen Christian denominations and a few non-Christian denominations worship freely. The vast majority of Belize's primary and secondary schools are operated by churches. Church leaders have long had close ties to the political establishment, and churches play an active role in the tasks of social and national development.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on movement within Belize or on foreign travel and emigration. Emigration is principally motivated by economic reasons and not by political or human rights considerations, and emigrants frequently return for family visits. Aliens convicted of crimes, particularly drug offenses or entry into Belize without proper documentation, are usually deported.

Belize continues to attract displaced persons and immigrants from other Central American countries. In 1984, the Government moved to regularize the status of aliens who had entered Belize and were residing there without proper permits. The Government decreed a ninety-day amnesty period (May 2 to July 31) during which illegal aliens were required to register with the police and immigration authorities. A total of 8,558 aliens registered. None was subject to arrest, prosecution, or deportation for being in Belize illegally.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Following the general election of December 1984, Belize experienced a peaceful transfer of national governmental power from the PUP to the UDP. Although the ruling party's parliamentary majority gives it broad freedom to decide government policy, its exercise of political power is limited by public opinion, a free press, an independent judiciary, and genuinely competitive electoral politics. Political participation is broadly based. All citizens over 18 are eligible to vote and both the PUP and the UDP engage in voter registration campaigns. All ethnic groups in the population are represented in both major parties. In addition, there are two small parties in Belize, the Christian Democratic Party whose activities are centered in the Dangriga-Stann Creek area, and the Toledo Progressive Party in Punta Gorda. Participation in local and national elections is traditionally high in Belize; approximately 90 percent of the electorate voted in the general election in 1979 and 74 percent voted in the 1984 election.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

No international entities have asked to investigate the human rights situation in Belize. A private human rights council and a branch of Amnesty International exist in Belize. Given the favorable human rights environment, the activities of these two organizations have been very limited. Freedom House was the only outside organization to report on the human rights situation in Belize in 1984; its report rated Belize "free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The population grew to 158,000 inhabitants in 1984. The rate of population growth remains stable at 2.3 percent for 1984 due to large-scale emigration. Life expectancy at birth is over 65 years, while the infant mortality rate is 54.9 per thousand live births. According to the latest World Bank figures available, per capita gross national product was $1,083 in 1982. Real income remained basically unchanged from the previous year; unemployment (14.2 percent) and underemployment also remained at 1983 levels. The adult literacy rate is 91.2 percent and 80 percent of the population has access to safe water (both figures are 1970 World Bank estimates). The ratio of caloric supply available for consumption to nutritional requirements was 111 percent in 1977. The health care system is not able to provide basic health care for all Belizeans.

Women in Belize are faced with discrimination rooted in cultural, social, and economic structures. There is no official policy of discrimination, however, and the Government seeks the participation of women in the nation's political and developmental process. Belizean women are active in unions, political parties, private voluntary organizations, and churches. They are prominent in local and national government and well represented in the professions. The Governor General, who represents the British monarch in Belize, is a woman. Women also hold officer and enlisted positions in the police and the BDF.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: BELIZE

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 0.9 | 17.9 | 5.5 |
| LOANS.............. | 0.0 | 10.6 | 0.9 |
| GRANTS............. | 0.9 | 7.3 | 4.6 |
| A.AID ................ | 0.0 | 16.7 | 3.9 |
| LOANS.............. | 0.0 | 10.6 | 0.9 |
| GRANTS............. | 0.0 | 6.1 | 3.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 10.0 | 0.0 |
| B.FOOD FOR PEACE....... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.0 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.9 | 1.2 | 1.6 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.9 | 1.2 | 1.6 |
| PEACE CORPS...... | 0.6 | 1.1 | 1.5 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.3 | 0.1 | 0.1 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.1 | 0.5 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.1 | 0.5 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.5 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.1 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 0.9 | 18.0 | 6.0 |
| LOANS.............. | 0.0 | 10.6 | 0.9 |
| GRANTS............. | 0.9 | 7.4 | 5.1 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 0.0 | 5.5 | 2.0 | 10.9 |
| IBRD | 0.0 | 5.3 | 0.0 | 5.3 |
| IFC | 0.0 | 0.0 | 0.0 | 0.0 |
| IDA | 0.0 | 0.0 | 0.0 | 0.0 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 0.0 | 0.0 | 0.0 | 2.5 |
| OTHER-UN | 0.0 | 0.2 | 0.0 | 1.1 |
| EEC | 0.0 | 0.0 | 2.0 | 2.0 |

## BOLIVIA

The October 10, 1982 inauguration of Hernan Siles Zuazo marked the return to constitutionally elected government in Bolivia after 18 years of practically uninterrupted military rule.

The Siles administration has survived a difficult two years of social tension, labor unrest, and frequent coup threats, and still faces overwhelming political and economic problems. The ideological, regional, and racial cleavages which have historically divided Bolivia have been sharpened by the worst economic crisis in half a century. In addition, Bolivia's fragile democratic institutions were threatened by a Presidential kidnapping and aborted coup effort on June 30, 1984. The President was apprehended by a small group of military and police officers, and released unharmed 12 hours later when the action failed to attract broader military and civilian support. The Government has undergone seven cabinet crises in two years with an ever narrowing base of popular support, while the opposition forces, which now control the Congress, have mounted intense political pressure. The departure of the Christian Democratic Party from the ruling political coalition in October 1984 further weakened the Government. In an effort to diffuse mounting political pressures for his resignation, President Siles offered in November 1984 to advance presidential elections one year to June 1985. Shortly thereafter, the Communist Party departed the ruling political coalition in protest against the President's refusal to extend state control to key sectors of the economy.

In spite of rich natural resources and sparse population, Bolivia remains one of the poorest countries in South America. The state enterprises which dominate the export sector have stagnated for years; many are now nearly bankrupt. The staggering economic problems which the Siles Government inherited worsened with the world economic recession and the "El Nino" floods and droughts that affected the Andean Region in 1982-83. The continuing failure to enact a coherent economic recovery policy has caused a continual decline in the standard of living and increasing political discontent and desperation.

Bolivia's most notable progress since the end of military government in 1982 has been in the area of human rights. Political parties are now free to organize and criticize the Government. Both Congress and the court system function independently and fulfill an active monitoring function. After several delays, municipal elections are now scheduled for June, 1985. The excesses of the former security police apparatus are a thing of the past. No political prisoners are being held, and many of the persons arrested in connection with the June 30 coup conspiracy have been released.

The press continues to operate without government restriction, although pressures by extremist political groups on the Bolivian media have grown over the past six months. The Government has dealt with an increasing wave of general strikes, road blockades, and labor protests with restraint. It has been less effective in protecting property rights and providing guarantees for private sector activities.

In August 1984 the Government sent military and police forces into the Chapare, the major cocaine-producing region, in orderto regain control of an area that had been almost completely taken over by narcotics traffickers. Although campesino organizations threatened violent resistance and claimed systematic human rights abuses by the police, so far no such pattern has been documented.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

The Government does not condone political killing. The shooting to death of a prominent agro-industrialist in August 1984 set off a general strike by the Confederation of Private Entrepreneurs (CEPB) which maintains that the killing was politically motivated since it followed months of harassment and death threats by campesino union activists, and claims that appeals to the Government for protection had been ignored. Although police say they have identified the murderer, the CEPB raised doubts about the hasty and incomplete investigation. Two months later the farm owner's widow appealed to the Senate for assistance, saying that the violent threats and interventions by campesinos designed to drive the family off their property had not ended.

The Government has left to private organizations such as the Association of the Families of Missing Persons, ASOFAM, the task of prosecuting the 15 "paramilitaries" who were arrested in February 1983 and charged with the murders of prominent political figures under the Garcia Meza regime. The process has become stalled in the courts, and little outside pressure has been brought to bear to push it to completion.

In May 1984 a bomb exploded outside the Military Supreme Court Building killing a corporal who was standing guard. While those responsible were not discovered, the Commander of the Armed Forces issued a statement indicating that the terrorist attack was meant to intimidate the members of the court who were prosecuting the "Luribay Seven" defendants for guerrilla activities.

#### b. Disappearance

There were no reports of politically inspired disappearances in Bolivia in 1984.

To investigate the disappearance of political opponents under previous regimes, the Siles administration in 1982 created the National Missing Persons Commission, with representatives from the Executive Branch, the Congress, the Permanent Assembly of Human Rights, the armed forces, the Catholic Church, the Bolivian Red Cross, and ASOFAM. In December, the Commission presented to the UN Commission on Human Rights a report on 207cases of disappearance during the last 18 years. According to the report, 52 of these cases have been solved while the remaining cases are still being investigated.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Siles Goverment has stated that it does not and will not employ torture. Shortly after coming to power it abolished all state security agencies which had been used by previous military governments to intimidate opponents. Human rights groups have argued, however, that torture, even though notauthorized by the Government, may still take place in the early stages of detention due to the fact that many of the lower-level military personnel responsible for abuses by preceeding military regimes are still in place.

The seven persons detained by the Bolivian army for guerrilla activities near Luribay in Loayza Province in October 1983 complained that they were tortured by the military. According to the representatives of the Permanent Assembly of Human Rights who met twice with the detainees, the methods used on them included beatings, immersion in water, electric shocks, and threats by masked men to shoot them unless they made confessions. Evidence of such mistreatment was corroborated by a priest who was allowed to visit the detainees with a doctor and reported their findings to the President, who reportedly instructed the Defense Minister to ensure that the abuses stop. Thereafter, the prisoners reported their treatment improved.

On December 14, 1983, a Navy non-commissioned officer died while under detention in the Naval Military School for alleged involvement in selling arms to leftist political groups. The Navy and the Medical College stated that the death resulted from a heart attack. However, the man's family and other naval officers asserted that he died because of beatings and electric shocks received in detention. They presented their evidence to several La Paz newspapers. The widow and her family pressed for the President to punish those responsible including the Commander of the Navy, who was later replaced by the Government. On April 12 the family brought suit against the ex-Commander and other Navy officials for alleged complicity in torture.

Of the 29 persons arrested for suspected involvement in the June 30 coup attempt, two complained of torture and mistreatment while being questioned in the Ministry of Interior. Following the first public accusations by the President of the Senate Human Rights Committee, the Government denied any abuses and invited the press and human rights and international organizations to visit the detainees. The Permanent Association of Human Rights and the Bolivian Red Cross interviewed most of the detainees but found no evidence of mistreatment. A prominent civic leader who complained of having been subject to beating, electric shocks, and cold water showers refused to be examined by independent doctors, making his charges impossible to verify. When, following their release, the two detainees again voiced complaints of having been tortured, the Interior Minister vehemently denied the charges and threatened to sue for slander.

Most problems of prisoner mistreatment arise from chronically overcrowded prison conditions and the lack of properly trained prison and police personnel. San Pedro Prison in La Paz, which was built to house 300, now holds over 1,000 prisoners. Corruption, malnutrition, and unsanitary conditions are widespread. Prisoners pay guards for food, better cells, passes, contraband liquor, and drugs. In August 1984, prisoners staged a hunger strike to protest food shortages and the retardation of justice.

The growing economic and social unrest, coupled with continuing political agitation by leftist groups, has generated a series of peasant and union takeovers of private firms and property. Four incidents involved hostage-taking of local management and technicians in private mines and factories while at least a dozen others involved armed seizure or occupations of private property. The Government has not responded publicly to these assaults, causing private entrepreneurs to protest that citizens' lives and property are being endangered with impunity and that government protections are non-existent.

### d. Arbitrary Arrest, Detention, or Exile

Under the Constitution, no one can be arrested without a court order and detainees must be charged or freed within 24 hours. From the moment of detention, detainees have the right to be represented by an attorney, and any interested party may demand a writ of habeas corpus before a superior court or local judge. These rights are often not honored because of a detainee's lack of education or economic resources, or because of the built-in inefficiency and slowness of the judicial system.

Since the return to constitutional democracy, Bolivians have been largely free of the fear of being arrested or exiled for their political views. In May 1984 a foreign journalist was held for questioning for allegedly misquoting a government official concerning narcotics, and a radio personality who is critical of the Government was detained briefly in July. But in both cases the public uproar caused the Siles Administration to act quickly and reverse the actions of subordinates.

Following the abortive coup and presidential kidnapping on June 30, the Government arrested 29 civilians and military and police officials for suspected involvement in the events. Most were held incommunicado for a period of at least several days. However, the Government was subjected to continual public pressure to make sure there were no violations of human rights. While nearly all the prisoners said they were well-treated, most complained of the long unnecessary detentions.

By late September, 14 of the detainees had been released either for lack of evidence after questioning or because of intervention by the District Court of La Paz. Two were being held by the military and 13 had been transferred to San Pedro prison to await civilian trial. Five other officials of the police and military who had sought refuge in the Venezuelan Embassy were given safe conduct for temporary residence in Spain, while the status of three other civilians who sought refuge in the Uruguayan Embassy is still undetermined.

The Government has continued to seek to expel leading violators of human rights under previous regimes from Bolivia. In August Bolivian authorities arrested Emilio Carbone Bagigalupo and charged him with conspiring against state security, belonging to paramilitary organizations, and involvement in narcotics trafficking. Carbone, an Italian citizen, was active in the neo-Fascist group called the Italian Socialist Movement and involved in the 1980 coup which ousted President Lydia Gueiler. The Government has initiated legal procedures to expel him to Italy.

Argentine national Mario Mingolla, who was arrested in

December 1982 for paramilitary activities, including an alleged plot against the life of Vice-President Jaime Paz Zamora, left his confinement in February 1984 and later claimed he had been freed by order of the Ministry of Interior. The Interior Minister in turn asserted that he was not being held prisoner, but had asked the Government for"protective custody" because of the danger of returning to his native country. Although the Government had found no evidence of the assassination plot, Mingolla was held for 14 months without formal charges, during which time the Government tried informally to arrange for his asylum in a third country. His long detention had become a cause of criticism from church and human rights groups, but interested parties found no foreign government willing to give him asylum.

### e. Denial of Fair Public Trial

The Government has upheld the right to fair public trial, but delays are common.

The seven persons detained by the Army near Luribay in October, 1983 for alleged involvement in training of leftist groups were tried by a military court for stealing arms, falsifying their identity, and attempted treason. The seven-month trial sparked an international controversy, as the families of the accused and Bolivian and international human rights organizations insisted that the military had no jurisdiction to try the case. The military prosecutor argued that because the group was using military arms and uniforms and was illegally carrying out combat training activities, the military court was competent to hear the case. The defense attorneys appealed the jurisdictional question to the Bolivian Supreme Court, but lost. On October 12, the Permanent Military Tribunal sentenced the defendants to two to six years in prison. The defense then appealed the decision to the Supreme Tribunal of Military Justice.

The "Luribay" controversy became more complicated after 11 members of a conservative youth group were arrested near Santa Cruz on October 20, 1984 for illegal possession of arms. Although the Interior Minister said the youths should have been turned over to the military court, they were released on their own recognizance pending a civilian trial. This led to public charges that the Government operated under a double standard of justice, prompting President Siles on October 25 to announce he would grant amnesty to the "Luribay Seven." Although the Government subsequently issued a supreme decree ordering their immediate release, military lawyers challenged the constitutionality of the decree, and the decision whether to release the "Luribay Seven" now rests with the Supreme Tribunal of Military Justice. In a separate decision on a request for a writ of habeas corpus presented by the defendants, the District Court of La Paz rejected that petition arguing that under the Constitution the Armed Forces are subordinate to the Constitution and the Supreme Military Tribunal should therefore carry out the Presidential Amnesty Decree.

### f. Arbitrary Interference with Privacy, Family, Home or Correspondence

The sanctity of the home and the privacy of citizens' lives are protected by the Constitution and respected in practice. House searches, monitoring of conversations, and other abuses that occurred under military regimes in the past have stopped.

After the Government declared the cocaine-producing Chapare valley a military zone in August, there were concerns expressed over warrantless entries. In September and October the Permanent Assembly of Human Rights investigated complaints from peasant groups of widespread abuses, but found them contradictory and difficult to document. Although a few cases of robbery by the security forces had occurred, there was no systematic pattern of abuse.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

There are no government restrictions on free speech or the press. The views of opposition parties, leaders and organizations--often harshly critical of the Government--are given free play in the press, radio, and most television stations. President Siles has repeatedly confirmed the Government's commitment to unfettered freedom of expression.

Some extremist political and labor groups, taking exception to these liberties, have called for the closing or takeover of certain newspapers and radio stations. Although the wave of newspaper bombings which occurred in late 1983 has subsided, one La Paz daily and several radio stations in Santa Cruz and La Paz suffered dynamite blasts in 1984. No one claimed responsibility for the bombings, and no suspects have been arrested. Both the threats of closure and the terrorist attacks were strongly condemned by public figures.

Another matter of concern to local journalists is the recently enacted Bolivian Press Law which creates strict qualifications for those allowed to work as journalists and calls for a quasi-public commission to rule on applications to the College of Professional Journalists, which would control entry to the profession. While the full effects of the law have not yet been felt in the Bolivian press, many fear that it could lead to coercion or manipulation by governmental authorities, and that it preempts constitutional guarantees of free speech by limiting access to the media only to accredited journalists.

In television, the network of state and university channels has been controlled by the Government, effectively shutting out the conservative opposition. Unauthorized private TV stations have been functioning in Santa Cruz, Sucre, and Cochabamba, and the Government has been unwilling to legalize them. When a new station began operations in La Paz in October 1984, the Ministry of Transport and Communications announced it would confiscate the private operator's equipment and apply a 1980 law which prohibits private TV channels. The station owners, the press, and the congressional opposition responded that the threats of closure represented an unconstitutional incursion on freedom of expression. The Government has since taken a more conciliatory position.

All Bolivian universities are part of the state-run system except Catholic University in La Paz, the Protestant College in Santa Cruz, the private University of Santa Cruz, which was founded in January 1984 on free enterprise principles, and the new Bahai-related Nur University, which recently received government authorization.

## BOLIVIA

Academic freedom is recognized in the Fundamental Law of the Bolivian University passed in 1972, but political activists in student and campus-governing bodies have seriously interfered with the exercise of this right. Under the present system of "professor-student co-management" in the state universities, students have a 50 percent voice in every decision-making committee. Leftist activists have used this power to make appointments which ignore academic credentials in favor of ideological purity, to replace professors who disagree withthem politically, and to impose their ideas on the student body.

### b. Freedom of Peaceful Assembly and Association

The current Government has not attempted to restrict peaceful assembly and association. Labor unions, which played an active role in the restoration of democracy in 1982, have freely exercised their right to recruit, negotiate, and strike. The Senate has yet to act on repealing a constitutional provision prohibiting union activity by public employees, but the ban has not been invoked by the Siles Government. Virtually all Bolivian workers in the mining, industrial, public, and service sectors are organized.

The International Labor Organization's Committee on the Application of Conventions and Recommendations commended the Bolivian government in 1983 for its efforts to bring the country's legislation into conformity with the Convention on Freedom of Association and Protection of the Right to Organize.

The umbrella labor federation which represents the majority of Bolivian workers is independent, politically very powerful, and, indeed, frequently demonstrates a capacity to paralyze the economy with crippling strikes. It has campaigned for an "emergency social-economic program" as an alternative to the Government's economic adjustment measures. It has also pressured the Government to postpone debt servicing with private international banks. The number of strikes, work stoppages, road blockades, plant takeovers, and other militant actions kept rising in 1984 as workers reacted against food shortages and the drastic loss of purchasing power in a deteriorating economy.

Private sector owners and managers have also become increasingly organized and vocal in defending their interests. In 1984 the Confederation of Private Entrepreneurs carried out two general strikes to protest the Government's failure to consult them on national wage standards or to defend private property and citizens against violent assaults. In June 1984 the organization also filed a protest with the ILO over the Government's disregard for tripartite standards in setting economic and wage policies. The ILO will reportedy send a committee to investigate the claims.

### c. Freedom of Religion

Citizens are free to practice the religion of their choice, and there are no restrictions on publishing, establishing places of worship and religious schools, training clergy, or maintaining international ties. Bolivian law requires that religious groups be incorporated, but there is no state control or censorship. Since the return to civilian government, no clergy have been persecuted for their political beliefs or activities.

## BOLIVIA

Roman Catholicism is the predominant religion in Bolivia. Catholic bishops receive a nominal stipend from the state, but no other secular advantage is conferred. Protestant churches operate openly and freely. In 1982, a Protestant college opened in Santa Cruz. The Mormons and Seventh Day Adventists proselytize and run churches and training centers throughout the country. There are Bahai and Hare Krishna centers in La Paz. The small Jewish community is not disturbed as it was under military regimes, which tolerated neo-Nazi "paramilitary" groups that published anti-Semitic tracts. The Mennonites have large colonies in Santa Cruz.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no unusual restrictions on travel within the country or abroad.

Since May 26, 1982, all political exiles from previous military regimes have been allowed to return. A program coordinated by the UN High Commissioner for Refugees (UNHCR) facilitated the return of 1,901 Bolivians in 1983 and 224 in 1984. The Intergovernmental Committee on Migration is assisting other Bolivians who wish to reunite with their families.

## Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

The inauguration of President Siles on October 18, 1982 culminated a long effort to restore freely elected, democratic government to Bolivia. Although he had received a plurality in the 1980 Presidential elections, he was prevented from taking office by a military coup led by General Luis Garcia Meza. Over two years later, the Congress which had been elected in 1980 was finally seated and chose Siles as President under constitutional procedures.

The next presidential election, originally scheduled for 1986, has been moved up to June 1985 when municipal elections are also to take place for the first time since 1949. The latter have been delayed twice due to inaction by both the executive branch and the Congress in providing funds, naming representatives to the Electoral Court, deciding on revisions in the electoral law, and enacting the Law of Municipalities.

Fifteen political parties and fronts plus numerous schismatic and independent movements are represented in the Chamber of Deputies and the Senate. A myriad of other parties covering the ideological spectrum also function, although they have no elected officials. The Congress, which is controlled by the opposition, has played an active, aggressive role in monitoring the policies of the executive branch.

The political system is dominated by persons of largely European origin. Those following a traditional Indian lifestyle and speaking Aymara or Quechua as a primary language, who make up an estimated 60 percent of the population, have little opportunity to advance to top positions because of economic disadvantages and cultural isolation. However, Indians have served in cabinet-level positions, and there are several Indian Congressmen.

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### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Government has been sensitive to the opinions of both international and non-governmental organizations regarding alleged violations of civil liberties and has made human rights its most consistent public theme. In October 1984 the Inter-American Human Rights Commission of the OAS removed Bolivia from its list of countries under special consideration and commended the Siles administration for maintaining a policy of respect for human rights in spite of high social tensions and numerous attempts to destabilize the constitutional Government. Freedom House in 1984 again gave Bolivia a rating of "free." Amnesty International in its 1984 report commented on the Siles' Government's efforts to investigate cases of past disappearances, but expressed concern about the slowness of these investigations and the delays in bringing those responsible to trial.

Of non-governmental organizations, the Catholic Church, the Permanent Assembly on Human Rights, and the press have been the most aggessive monitors of human rights in Bolivia. The Bolivian Episcopal Conference of the Catholic Church and some Protestant ministers played a role in the past in visiting detainees and speaking out against abuses. Individual Catholic bishops, many priests, and such lay groups as the Bacherer Foundation and the Confederation of Lay Persons have been active in the investigation of social problems and, occasionally, human rights issues.

### ECONOMIC, SOCIAL AND CULTURAL SITUATION

The World Bank's Development Report estimated Bolivia's population in 1984 at 6.04 million with a growth rate of 2.6 percent. Current estimates by the National Institute of Statistics place the population at 6.25 million. Life expectancy at birth is estimated at 51.8 years. The infant mortality rate, the highest in South America according to UNICEF, is 122 per 1000 live births. Data from the 1976 census indicates that 291 out of 1000 rural children die before their fifth year, compared to 186 per 1000 urban children. Only 38 percent of the population had access to safe water in 1976 (the last year for which this statistic is available), and the caloric supply available for consumption relative to nutritional requirements was only 86.6 percent in 1977.

World Bank figures show the adult literacy rate was 63.2 percent in 1976, but more recent Bolivian estimates place it at about 73 percent. Public education is free and generally available in urban areas, but the school year is often interrupted by strikes and protests. Except in the most isolated areas, Bolivian rural youth can expect at least three years of schooling. The primary school enrollment ratio was approximately 108.22 for 1981.

For the past several years Bolivia has endured a severe, worsening economic crisis which was deepened by the world recession and by natural disasters in 1982-83. Inflation, stagnation, and the lack of foreign exchange produced sharp drops in Bolivia's mineral exports and agricultural production, resulting in real losses in gross domestic production (GDP) of eight percent in 1982 and nine percent in 1983.

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In 1984 inflation exceeded 1000 percent. Bolivian Central Bank statistics show that real per capita income, already the lowest in Latin America, has fallen by 34.3 percent since 1980. Bolivia is also burdened by a huge fiscal deficit accounting for nearly 20 percent of GDP and a $3.5 billion international debt which could claim 60 percent of foreign earnings over the next three years. The only bright spot is the agricultural sector, which is back to pre-1982 production levels and could generate a one percent growth in GDP in 1984.

The democratic Government, faced with intense pressure from the powerful Labor Confederation and political groups on the left, has failed to enact coherent policies to stabilize the economy. This paralysis has led to hoarding, speculation, and smuggling and consequent shortages in basic goods such as sugar, bread, flour, meat, coffee, gas and kerosene. While hunger has not yet reached epidemic proportions, futher economic decline could cause serious social and political disorder.

Since 1952 racial discrimination has been banned in Bolivia. However, informal discrimination persists against persons of Indian background by those persons who believe they have more claim to European ancestry and who tend to have higher incomes and social positions.

Women do not enjoy a status in society equal to that of men. The main obstacles to advancement are cultural traditions, social conditions, and a lack of political power. In rural families women contribute significantly to economic activities but are considered subordinate and rarely participate in cooperatives, community meetings, or training programs. In Hispanic urban families, women are more likely to stay at home and are not economically active. However, women are slowly achieving a greater role in Bolivian business life.

While in general Bolivian laws do not discriminate against women, under the agrarian reform law, title to land cannot pass to a woman even if she is widowed or divorced. Also, agricultural credit to women is restricted by most banks and lending institutions. Although by law women workers have the right to three months maternity leave, in practice most are unaware of this right or are concerned that they will lose their salary or jobs if they take such leave. The Chamber of Deputies recently formed a Women's Commission which plans to work with the many organizations concerned with women's advancement and to challenge discriminatory practices. It has proposed reform legislation for the unionization of domestic workers and their inclusion in the social security system.

Although there is no overt political discrimination against women, they are rarely named to high-ranking positions in the Government. The most notable exception was Lydia Gueiler, who served as interim President from November 1979 to July 1980. The Congress which convened in October 1982 included three women Deputies along with a number of women as alternate Deputies and Senators.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
## (U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: BOLIVIA

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL | 19.6 | 63.0 | 78.0 |
| LOANS | 10.0 | 40.4 | 49.5 |
| GRANTS | 9.6 | 22.6 | 28.5 |
| A.AID | 2.1 | 11.4 | 52.3 |
| LOANS | 0.0 | 8.0 | 39.5 |
| GRANTS | 2.1 | 3.4 | 12.8 |
| (SEC.SUPP.ASSIST.) | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE | 16.4 | 49.2 | 22.1 |
| LOANS | 10.0 | 32.4 | 10.0 |
| GRANTS | 6.4 | 16.8 | 12.1 |
| TITLE I-TOTAL | 10.0 | 32.4 | 10.0 |
| REPAY. IN $-LOANS | 10.0 | 32.4 | 10.0 |
| PAY. IN FOR. CURR | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL | 6.4 | 16.8 | 12.1 |
| E.RELIEF.EC.DEV & WFP. | 0.5 | 8.2 | 0.1 |
| VOL.RELIEF AGENCY | 5.9 | 8.6 | 12.0 |
| C.OTHER ECON. ASSIST | 1.1 | 2.4 | 3.6 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 1.1 | 2.4 | 3.6 |
| PEACE CORPS | 0.0 | 0.0 | 0.0 |
| NARCOTICS | 0.2 | 1.7 | 2.7 |
| OTHER | 0.9 | 0.7 | 0.9 |
| II.MIL. ASSIST.-TOTAL | 0.0 | 0.0 | 0.1 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 0.0 | 0.0 | 0.1 |
| A.MAP GRANTS | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG | 0.0 | 0.0 | 0.1 |
| D.TRAN-EXCESS STOCK | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL | 19.6 | 63.0 | 78.1 |
| LOANS | 10.0 | 40.4 | 49.5 |
| GRANTS | 9.6 | 22.6 | 28.6 |
| OTHER US LOANS | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS | 0.0 | 0.0 | 0.0 |
| ALL OTHER | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL | 99.9 | 211.3 | 129.8 | 1410.0 |
| IBRD | 0.0 | 0.0 | 0.0 | 296.0 |
| IFC | 0.0 | 0.0 | 0.0 | 9.3 |
| IDA | 0.0 | 0.0 | 0.0 | 104.8 |
| IDB | 97.0 | 211.1 | 126.8 | 947.4 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 2.9 | 0.2 | 0.0 | 40.7 |
| OTHER-UN | 0.0 | 0.0 | 3.0 | 11.8 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## BRAZIL

The Government of Brazil, composed of civilians and military officers, is headed by Joao Figueiredo, the fifth retired general to occupy that post since the imposition of military-dominated governments in 1964. However, with the support of the military, President Figueiredo in 1984 continued a policy aimed at restoring full civilian political control. An electoral college will choose a new president on January 15, 1985. Neither of the two candidates, both civilians, was chosen because of military preference.

There was a groundswell of popular support in 1984 for direct presidential elections, but the Government opposed them for 1984 or 1985, and several constitutional amendments designed to institute them were defeated in Congress. However, each of the presidential candidates has promised to restore the direct vote for the election of his successor.

The center of political power is the presidency. It has various constitutional and legal devices which constitute decisive authority within the Brazilian legal framework. The Brazilian Congress continues to play an active and vocal role in national policy-making. The combined opposition gained a majority of seats in the lower house as a result of the November 1982 elections, in which candidates were chosen by direct vote. The judiciary is a widely respected and independent institution.

Brazil has an internal security apparatus composed of a national intelligence service, a federal police system, a militia-type state police, local police, and military intelligence units. Many knowledgeable Brazilians believe that the government apparatus continues to be used to monitor opposition elements which pose no apparent security threat to the nation. They believe, however, that there is considerably less of this activity than in previous years. There have also been charges in the press and by human rights organizations that the local and military police have used excessive violence in apprehending and processing alleged criminals. Critics claim that this practice is widespread, though possibly on the decline.

Economic recession, though serious, has not impeded President Figueiredo from pursuing his policy of political liberalization. Brazil is the eighth largest economy in the non-communist world, yet it must cope with a foreign debt of approximately 100 billion dollars, high inflation and four consecutive years of low or negative per capita growth. A bright spot in the Brazilian economy has been its ability to adjust its external sector to current international financial conditions, in large part because of the surprisingly large growth in its trade surplus.

The state of human rights generally continued to improve in 1984, reinforcing the long term trend. Brazilians are largely free to participate in the political and economic life of the country. The President may, however, invoke constitutionally sanctioned emergency powers, and has authority to issue decree laws. The Government issued a decree of Emergency Measures on April 18, ostensibly to preserve order during a controversial vote in the national congress. The decree, affecting principally the Brasilia area, imposed briefly censorship of radio and television broadcasts and a suspension of freedom of assembly and association. Brazil has a National Security Law which provides for a military trial of civilians charged under it. However, in late 1983 Congress passed a law to narrow its scope very substantially. This amendment resulted in the release of all persons incarcerated under the National Security Law.

Under the current civil code, Brazilian Indians are considered "semi competent" wards of the state and live under certain restrictions which are not applicable to other citizens. Indians are under pressure from mineral and agricultural developers, as well as squatters and legitimate settlers, to open more of their lands to others.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

There have been no reports of political killings in 1984. However, there have been charges by human rights organizations that the civil and military police in Rio have on occasion killed individuals suspected of common crimes. The National Conference of Brazilian Bishops (CNBB) notes, however, that the situation in Rio has improved compared to recent years. Several policemen were convicted in 1984 for offenses relating to treatment of suspects. The CNBB believes these convictions have served as a deterrent to police abuse. Church officials estimate that in Sao Paulo several hundred suspects were killed by the police in the past twelve months with the state police (Policia Militar) being the worst offenders. The church perceives no improvement in Sao Paulo in this area for the past several years and believes insufficient resources have been devoted by the local or state government to combat the problem.

#### b. Disappearance

There have been no reports of politically motivated abductions.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is prohibited by the penal code. There have been no reports of politically motivated torture in 1984. However, various human rights and professional organizations report that police beatings and torture of individuals suspected of common crimes are widespread. The primary purpose of these abuses, according to these organizations, is to extract confessions. Such practices primarily affect the underprivileged. Church authorities note that in Rio there has been a steady decline in such offenses in the last two years due to government efforts to curb mistreatment of suspects. In Sao Paulo, the practice reportedly remains widespread with little change over the past several years.

Prison facilities continue to be overcrowded and poorly maintained and managed. In Sao Paulo, reportedly, there has not been any money appropriated for prison improvement in the past four years. There has, however, been a recent effort to organize prisoner groups within Sao Paulo prisons, with the aim of allowing the prisoners to articulate their own grievances and to pass these to appropriate government officials.

d. Arbitrary Arrest, Detention, or Exile

The independent judiciary is largely successful in guaranteeing due process of law for citizens. Under Brazilian law, an individual may not be arbitrarily detained. Habeas corpus is guaranteed by the Brazilian constitution and is respected.

Provisional detention is permissible under Brazilian criminal law. It is ordered by judges (in cases of common crimes) or by certain high-level administrative authorities (in cases of crimes against the public administration, or of extradition), not by police. A judge may order provisional detention, for example, to preserve public order when there is evidence of probable cause, when the accused is dangerous or does not have a fixed job or address, or when the individual is caught in the act of an unbailable crime. It may also be ordered to prevent interference by the accused in criminal proceedings, e.g., when the individual might influence or harm witnesses. Provisional detention can be extended until the case comes to trial or until a judge rules that reasons for the detention no longer exist. Provisional detention in Brazil is not practiced arbitrarily and does not normally lead to long periods of incarceration.

Individuals charged with violating the National Security Law may be held in custody for 30 days. This 30-day period may be renewed only by a judicial authority. The accused may be held incommunicado for 5 days. A judicial authority must be notified immediately (in practice, within 24 hours) in the event of an arrest. The judge is required to make a determination of the legality of the arrest and the police must inform the accused of the charges. An attorney may file a habeas corpus request on behalf of the prisoner if the judge decides that the prisoner was arrested illegally. In practice, all deadlines for notifications and determinations are strictly adhered to.

e. Denial of Fair Public Trial

The right to a fair public trial is guaranteed by Brazilian law with regard to both penal code and National Security Law violations, and is respected in practice. Defendants are entitled to counsel and must be made fully aware of the charges against them. In cases where a defendant cannot afford an attorney, one must be provided free of charge. Defendants and their attorneys have the legal right to be informed of the evidence on which the charges are based. Cases may be tried before a single judge or by jury, except in the case of willful crimes against life, in which case a jury trial is mandated.

The Brazilian judicial system is an independent branch of government. The Federal Supreme Court is the highest court in the land. The federal court system of Brazil is composed of courts of the first instance and appeals courts. The states are free to organize their own judicial systems as long as they do not violate basic principles of the federal Constitution. Brazil also has a system of specialized courts such as labor courts, electoral courts and juvenile courts.

## BRAZIL

Brazil has a military court system charged with the responsibility of hearing cases involving military personnel, and cases involving civilians charged under the National Security Law or with offenses against military installations. Legal guarantees also apply in military courts. Civilians have the right to appeal to the Federal Supreme Court when convicted of crimes against the National Security Law. Military personnel also may appeal to the Federal Supreme Court in national security cases, but only in extraordinary circumstances. In current practice, there is a trend towards dismissing National Security Law cases or charging individuals under other laws and referring cases to the civilian legal system. At present, there are no individuals imprisoned in Brazil under the National Security Law. The last person in jail under this law was a journalist released in April 1984. There is one member of Congress currently charged under the "crimes against honor" provision of the National Security Law for making a speech considered insulting to the President of the Republic.

### f. Arbitrary Interference with Privacy, Family, Home or Correspondence

There continue to be allegations that the Government selectively employs warrantless wiretaps of opposition group members. However, illegal wiretapping apparently has been less frequent in recent years. Forced entry into homes without a warrant probably occurs in searches for criminals, but this practice has declined in recent years, according to human rights organizations. There are no reports of such illegal entries of homes in political cases. Freedom from search is a constitutionally guaranteed right. This right was suspended for a period of roughly two weeks in Brasilia by decree law in April 1984. The Government explained the issuance of the decree as a necessary measure to maintain order during a controversial vote in the national Congress.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The right to free speech and to a free press are guaranteed in the Brazilian Constitution. Opposition viewpoints are generally aired freely in various media. The Government has exhibited tolerance of criticism, which at times has become quite strong.

Newspapers are privately owned and are vigorous in reporting on and discussing government policies and performance. In April 1984, an editor who had been convicted under the National Security Law for publishing "subversive propaganda" was released by unanimous vote of the Supreme Court. There have been attempts by the Government to mute criticism of its policies by selected newspapers by withdrawing advertising of government-controlled corporations. In early 1984, this occurred for a two-month period, resulting in economic hardship for the newspapers but no perceptible change in their editorial policies. However, in October local police in the small northern city of Belem raided a printing plant which had often been used by leftist groups.

Self-censorship is rare, being restricted to a very few subjects such as sharp and specific criticisms of the armed forces, the President, etc. The Inter-American Press Association listed Brazil as having a "free press".

Radio and television stations are also privately owned, but the Government can withdraw their licenses fairly easily. Electronic media broadcasts have covered a vast array of topics, including controversial social topics and political issues during this past year. However, in April, the Government, by virtue of the April 18 emergency decree, imposed media censorship of radio and television coverage of debate on a controversial bill before Congress. During this period of roughly two weeks, news programs were affected and one popular television public affairs program was canceled entirely. Also during April, the Government blacked out two radio stations outside of Brasilia for several hours because the stations decided to cover the controversial vote in the national Congress. According to Amnesty International, television and radio exercise more self-censorship than the print media in topics dealing with government personalities and policies.

Foreign publications, except for those from the Soviet Union and Eastern bloc countries, are widely distributed in Brazil. In 1984, a Brazilian journalist who had written a book praising Cuba was detained by Brazilian authorities for several hours and copies of his book were seized when he tried to bring them into Brazil from Cuba. All foreign and domestic films are reviewed for political content, but films are rarely barred from commercial distribution. In 1984, the Government released about 10 films that it had held up for years, some dating from the 1960's.

### b. Freedom of Peaceful Assembly and Association

The Brazilian Constitution guarantees the right to peaceably assemble, and the right is generally observed. The right of association is restricted only in the case of proscribed political parties. These parties are held to be illegal on grounds that they do not uphold democratic principles--a requirement placed on all parties. Although permits must be obtained for outdoor public meetings of a political or labor-union nature, they are normally freely given--with the exception of permits for illegal communist groups. For example, in January and February 1984, millions of people rallied in major cities to protest the Government's electoral policies. There was no attempt to harass or stop these huge demonstrations. The rallies were generally peaceful, with little interference by the Government. However, in mid-1984, the Government acted vigorously to suppress substantial, open participation of the outlawed communist parties in the presidential campaign rallies.

Labor has the right to organize and to meet freely. In fact, labor unions are legally mandated under the code of labor laws to represent workers. Although the labor code makes no provision for a "central" or umbrella labor organization, two rival "centrals" have emerged. The Government has not recognized them, but it has allowed these organizations to function. To maintain the official labor structure workers are taxed one day's pay per year, a sum which is paid to the Government and then divided among confederations, federations and local unions. Perhaps 10 to 15 percent of workers voluntarily pay union dues in addition to the mandatory tax. Most of these voluntary members join more for family health benefits than for representation regarding wages or working conditions. Unions are legally prohibited from participating in partisan politics, but a number do. To date, however, their impact has been small.

Strikes are severely restricted by obligatory arbitration procedures. Notwithstanding restrictions on the right to strike after binding arbitration, stronger unions have won a number of strikes for higher wages during the past year.

Employers have a legally mandated structure which parallels that of Labor. In addition there are voluntary employer organizations not mandated by law. Both the mandatory and voluntary associations represent their members to the government and act as lobbyists. An even more important function is negotiation of collective bargaining agreements with the labor unions.

Unions of workers and employers can maintain ties with international organizations such as the ICFTU, but this affiliation has to be approved by the President of Brazil and the transfer of funds to pay membership charges has to pass through the Central Bank. The President has pending a number of applications from labor organizations requesting association with international organizations; there are even more applications pending with the Central Bank for funds to pay international dues.

The International Labor Organization (ILO) received several complaints concerning Brazilian unions and union leaders during 1983 and 1984. One dealt with the trial of the Agricultural Workers Confederation president, Jose Francisco da Silva, and Workers Party president, Lula da Silva, under the National Security Law. The two men, as well as others, were indicted for incitement to riot and subsequently acquitted. Another case presented to the ILO concerned a rural workers' union president who was assassinated in Paraiba state. The murderers have been tried and found guilty. Violence continues to occur in the rural northeast between labor and management. The resulting insecurity hinders development of labor union activity.

### c. Freedom of Religion

There is no favored or state religion. An overwhelming majority of Brazilians belong to the Roman Catholic church. All faiths are free to proselytize, establish places of worship and train clergy. According to the National Council of Brazilian Bishops (CNBB), missionaries and other foreign religious visitors have had increasing difficulty entering Brazil during the past several years due to the passage of an immigration law in 1980. The CNBB does not believe that missionaries and religious visitors are being singled out but rather that all foreigners are equally affected. Membership in a particular religion does not confer any advantage or disadvantage.

Somewhat strained relations continue between the Catholic Church and the Government, arising from the Church's political and social activism. Relations remained stable during 1984 with no reported efforts by the Government to intervene in Church programs.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on movement within Brazil nor are there any unusual restrictions on emigration. Brazil admits few immigrants, basing its decision on its ability to absorb newcomers, cultural affinity and proximity of the applicant's homeland. Brazil is selective in granting asylum, although precise criteria do not exist. There is no forcible repatriation of Brazilians.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The focal point of political power resides in the presidency, which has been guaranteed by the armed forces. The President's constitutional powers include the right to issue decree-laws in a number of key areas and, in the event of an outbreak of war or threat of serious disturbances, to decree a state of siege which permits suspension of many civil rights.

The direct election of congressmen and senators in November 1982 produced a popularly representative Congress whose influence continues to grow in the decision-making process. Congress has been able to modify a number of government-sponsored legislative proposals and has, in some cases, forced the Government to withdraw proposals.

All Brazilian citizens may join a political party. The five currently legal parties are composed of individuals from across the entire political spectrum. The communist party is prohibited, but it is actively campaigning for legalization.

Direct voting is used to choose representatives at the federal, state and local levels, except that mayors are appointed in State capitals and in certain cities decreed to be national security areas. Voting is secret and mandatory for all literate adults, who currently make up about 75 percent of the adult population. Illiterates are not eligible to vote. The President and Vice President are chosen by an electoral college composed of the federal Congress and six representatives from each state legislature. Both candidates for the January 15, 1985 elections are civilians.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

There were no outside requests in 1984 from international human rights organizations to investigate conditions in Brazil.

There are a number of Brazilian non-governmental organizations active in investigating alleged human rights violations and in initiating legal proceedings when appropriate, such as the National Bar Association and the Brazilian Press Association. Amnesty International has offices in Rio and Sao Paulo. Collectively these groups are involved in almost all aspects of political and civil rights. There have been no claims by any of these organizations that the Government has tried to impede their investigations. Relations between these organizations and the Government tend to be closer at the state and local levels rather than the federal level. There is a consensus among human rights observers in Brazil that the human rights situation has improved dramatically over the past several years. They believe that the main problems now concern police behavior toward suspects, prison conditions, and certain economic rights. The latest Freedom House report lists Brazil as "partly free".

Brazil is party to a number of United Nations human rights conventions on genocide, racial discrimination, refugees, and the political rights of married women.

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

In 1983, Brazil's gross domestic product fell by approximately 3.2 percent, the third consecutive year of economic stagnation. In 1982, the World Bank estimated GNP per capita at $2240. By 1983 it had fallen to some $1700. Inflation that year surpassed 200 percent. Unemployment rose, industrial production fell. The country was in arrears on payments of its $95 billion foreign debt. The major bright spot in the economy was a trade surplus approaching $6.5 billion in 1983.

Continued rapid expansion of exports produced the beginning of recovery in 1984. Economic growth for the year is tentatively estimated at two to four percent. However, persistent high inflation, rapid demographic growth, and the pressures of Brazil's high debt service will continue to limit improvements in living standards.

Although evidence suggests that all social strata benefited from the country's economic growth during the 1970's, uneven income distribution remains a serious social concern. According to government statistics, between 1970-80 the wealthiest 20 percent of the population increased their share of national income from 61 percent to 63 percent while the share received by the poorest 60 percent fell from 21.1 percent to 19.7 percent. Regional income differences are also marked. The south-southeast receives 82 percent of national income yet has only slightly more than 50.9 percent of the population.

Brazil continues to have a large rural-to-urban migration. Seventy percent of Brazil's approximately 134 million inhabitants live within 100 kilometers of the coast, and nearly 30 percent are concentrated in nine urban areas. The Government encourages settlement in the western frontier areas.

The Government estimates the annual population growth rate at about 2.47 percent (the World Bank estimate is 2% for the years 1980-2000). Life expectancy at birth is estimated at 65 years and infant mortality at 66 per 1000 live births. However, officials in several northeastern states estimate their infant mortality rates at well over 200, primarily due to the area's chronic poverty and sub-standard health facilities.

Health personnel and health facilities are concentrated in urban areas and the industrial southeast, which accounts for 80 percent of the physicians, 73 percent of the nursing personnel, and 79 percent of the hospital beds.

## BRAZIL

Significant portions of the society lack adequate nutrition, potable water, basic education, and medical care. An estimated 23 percent of the population lacks access to safe water. Illustrative of these problems are the findings of a 1980 Brazilian congressional inquiry which indicated that Brazil has two million abandoned children and 18 to 25 million children without the basic necessities of life. In 1981, 93 percent of those eligible were enrolled in primary school. The World Bank has calculated a primary school enrollment ratio of 118. The Ministry of Education estimates that some seven million school-age children are not being reached by the educational system.

Discrimination on the basis of sex and race is illegal. Nevertheless, the number of women and members of most minority groups in the governing structure is much smaller than their proportional share of the population. Their relative under-representation reflects prevailing cultural attitudes and economic disparities.

The country's estimated 200,000 Indians, living mostly in the interior, have suffered in recent decades from gradual encroachment of Brazil's coastal population and from the Government's effort to promote economic development in frontier areas where most Indians live. The increasing contact between Indians and newcomers has caused occasional conflict. The Figueiredo administration renewed the Government's commitment under the 1973 Indian statute to protect the Indian population. In addition, the Federal Indian Affairs Agency has been demarcating tribal lands. These should provide a greater measure of security for the Indians. Nevertheless, the Indian population continues to suffer from governmental neglect, discriminatory governmental controls and unequal legal status in issues such as citizenship, voting and the right to hold office.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
## (U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: BRAZIL

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 0.7 | 0.4 | 0.0 |
| LOANS.............. | 0.1 | 0.0 | 0.0 |
| GRANTS............. | 0.6 | 0.4 | 0.0 |
| A.AID .................. | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 0.3 | 0.1 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.3 | 0.1 | 0.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.3 | 0.1 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.3 | 0.1 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.4 | 0.3 | 0.0 |
| LOANS.............. | 0.1 | 0.0 | 0.0 |
| GRANTS............. | 0.3 | 0.3 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.3 | 0.3 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 0.7 | 0.4 | 0.0 |
| LOANS.............. | 0.1 | 0.0 | 0.0 |
| GRANTS............. | 0.6 | 0.4 | 0.0 |
| OTHER US LOANS.......... | 91.0 | 30.3 | 0.0 |
| EX-IM BANK LOANS....... | 91.0 | 29.3 | 0.0 |
| ALL OTHER.............. | 0.0 | 1.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 1222.8 | 1807.0 | 2192.8 | 15436.0 |
| IBRD | 722.1 | 1457.5 | 1604.3 | 9901.4 |
| IFC | 206.6 | 77.5 | 61.2 | 1077.2 |
| IDA | 0.0 | 0.0 | 0.0 | 0.0 |
| IDB | 284.6 | 269.5 | 524.6 | 4348.1 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 8.2 | 2.0 | 0.0 | 87.6 |
| OTHER-UN | 1.3 | 0.5 | 2.7 | 21.7 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## CHILE

Chile has been ruled since 1973 by the Army's Commanding General, President Augusto Pinochet. A military junta composed of representatives of the four military services exercises legislative functions, but primary authority resides with President Pinochet. Since independence in 1810, Chile has experienced alternating periods of authoritarian and parliamentary rule. The Junta took power in 1973 when the multi-party democratic system, in place since a previous military regime was replaced in 1931, broke down during a period of Marxist-led rule from 1970-73. The current Government includes both civilian and military officials and operates based on the authority of the Constitution approved by popular plebiscite in September 1980, which replaced the previous Constitution of 1925.

Under the September 1980 Constitution, President Pinochet's term of office expires in 1989, when a plebiscite will be held on a presidential candidate to be selected by the Junta. There are no restrictions on President Pinochet's standing for another term of office. If approved, the Junta candidate would serve until 1997. If rejected, open and direct presidential elections would be held within one year. The Constitution also provides that the Junta will serve until congressional elections are held in 1990.

The series of "National Days of Protest", begun in May 1983 by political and trade union groups calling for the removal of President Pinochet and an accelerated return to an elected civilian government, continued in 1984 on a diminished scale. There were six "National Days of Protest", often marked by violence, as well as a series of smaller demonstrations. Most democratic political parties object to the provisions of the 1980 Constitution delaying the transition to democracy and to various other provisions restricting liberties previously established in the 1925 Constitution. The Marxist-Leninist parties and groups do not accept the legitimacy of the 1980 Constitution.

While the military have indicated their intention to carry out the provisions of the 1980 Constitution, and in spite of extensive discussion and study in 1984, no progress was made in legalizing political parties, establishing electoral laws and an electoral tribunal, or in reestablishing electoral registers. Progress on the proposed legislation was set back when President Pinochet announced on October 29 that the political parties law would not be promulgated until after other political laws, at an undetermined future date.

Human rights conditions in Chile are strongly affected by the lack of progress toward a transition to democracy and by terrorism from the extreme left. The general human rights trend in Chile continued to be mixed. During early 1984, there were specific human rights improvements in judicial independence, in the return of exiles, and in freedom of speech and association. This improvement was coincident with the political opening begun in late 1983 and followed the series of national protests. As the political opening faltered and then failed, human rights conditions deteriorated, including in those areas where progress had been noted.

Parallel to the lack of progress on the political transition, a significant problem of terrorism and political violence emerged in Chile in 1984. There were 735 terrorist bombings in 1984, compared to 139 in 1983. Responsibility for most of these acts was claimed by the Manuel Rogriguez Patriotic Front (MRPF), a guerrilla organization created by the the Chilean Communist Party in 1980. The Communist Party and the MRPF seek the overthrow of the military government and were responsible for significant human rights violations in 1984, including murder.

On November 6, 1984, the Government reinstated a State of Siege under the authority of Transitory Article 41 of the 1980 Constitution. The Government explained the State of Siege as necessary to curb growing terrorism and to control delinquency and violent protestors. However, the same authority was used against non-violent political dissenters as well. The Government has maintained significant discretionary authority since 1973 under three of the four states of exception provided for under the transitory articles of the 1980 Constitution which progressively limit civil liberties otherwise provided for by the Constitution. All four may be in force concurrently; three were in force concurrently in late 1984. The "State of Danger of Disturbance of Internal Peace" (renewable every six months) was extended in March and September, and has been in force continuously since the promulgation of the Constitution in March 1981. The "State of Emergency", which had been lifted in August 1983 after ten continuous years, was reinstituted in March 1984 (renewable every 90 days) in response to the perception by the Government of a threat of violence during the opposition's March 27 "National Day of Protest". The most restrictive state of exception, the State of Assembly, has never been implemented by the Government.

Prior to the State of Siege, Government attempts to restrict individual liberties had generally been based on the provisions of the 1958 Internal Security Law, under which the courts have usually ruled in favor of the defendants, or on the transitory articles of the 1980 Constitution, which in accordance with the States of Emergency and Danger of Disturbance of Internal Peace allow extrajudicial penalties such as internal and external exile.

Measures taken by the Government under the State of Siege resulted in numerous violations of internationally recognized human rights and a general deterioration of human rights practices. Under the State of Siege, the Government increased its authority at the expense of the courts, whose rights of judicial review were restricted, and over the communications media. In addition, the existing powers of the Government, under the previously existing State of Danger of Disturbance of Internal Peace, State of Emergency and the transitory articles of the 1980 Constitution, were applied more vigorously. Using these extraordinary powers, the Government conducted several mass sweeps of poorer neighborhoods involving the temporary detention of over 8,000 persons, sent 421 persons, mainly alleged petty criminals, to a remote detention camp without trial and internally exiled another 257 persons without charges or trial, closed down or restricted the opposition media, restricted nearly all domestic political reporting, expelled two foreign priests, allegedly for political activities, censored public statements by Catholic Church leaders, as well as prohibiting several meetings planned by the Church, reimposed a late night curfew and selectively detained various political and trade union members for their political activities. Individual arrests related to politically motivated violent or non-violent activities rose substantially. Allegations of torture increased compared to 1983.

The State of Siege also undercut the political opening begun in August 1983, under which political parties, although still technically illegal or suspended, were allowed to operate in an increasingly open manner. Under the State of Siege, democratic non-Marxist parties continued functioning, albeit without media coverage, but some democratic socialist groups and non-democratic Marxist groups, including the Communist Party, were harassed and detentions occured.

Chile has an internal security apparatus composed of the National Information Center (CNI), a plain-clothes police force (Investigations), a militia-type police force (Carabineros) and military intelligence units. All are under the jurisdiction of the Ministry of Defense except the CNI, which is technically under the Ministry of Interior but is run by military officers. Most complaints concerning the security services are directed against the CNI, although the police forces have sometimes been accused of using excessive force in controlling violent demonstrations and in raids in poor neighborhoods in search of terrorists and weapons.

Labor union activity continued to be subject to the 1979 "Labor Plan," which reformulated and restored many labor rights, including collective bargaining. However, some other rights remain restricted and the right to strike in non-strategic industries continues to be limited to 60 days.

During 1984, the Government continued to allow the return of some exiles. In September, an official list of 4,860 Chileans prohibited from returning was made public together with the statement by a government spokesman that all others were free to return. Prior to publication of the list, an average of 50-100 exiles per month had been authorized to return throughout 1984 under an already established system which will continue for those on the prohibition list. Included on the prohibited list were the names of two persons expelled earlier in the year. Both returned because of a favorable court decision. When that decision was later overturned on a government appeal, the two went into hiding after their names were published among those not permitted to return. Throughout the year, various groups of exiles on the list of those prohibited reentry attempted to return to Chile. These individuals were denied entry and airlines were informed that they would be obliged to return the exiles to their point of departure at the airlines' expense.

Despite a large public sector and considerable government regulation of the economy, Chile basically follows a free market model. Chile's level of economic development places it among the most advanced of the less developed countries, and educational and health standards are good. The Government respects private property, and encourages private business. Nonetheless, the severe recession from late 1981 to mid-1983 led to an increase in government intervention in the economy, especially for ailing financial institutions. A two-year macroeconomic adjustment program, agreed upon with the International Monetary Fund in January 1983, limits the Government's economic policy options. Government efforts to stimulate the economy in 1983 led to a decline in unemployment. However, the level of unemployment equaled 14.6 percent of the work force for the three-month period ending in November 1984, the same as at the end of 1983. Over the same period, the percentage of the work force in public work programs declined from 13.2 percent to 9.7 percent. Social expenditures as a percentage of total government spending totaled 59.7 percent in 1983 with emphasis directed at the poor.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

Politically motivated violence increased in Chile in 1984. A total of 58 persons were killed and 515 injured in apparently politically-related acts. The deaths and injuries resulted from actions by the Government, by left and right-wing terrorists, and by those associated with protest demonstrations and include those specified in the following paragraphs.

The death of an individual under detention by the CNI in the town of La Serena and the discovery of the body of a young worker several weeks after he was allegedly detained by Carabineros are currently under judicial investigation. Assertions have been made that several of the 14 alleged extremists killed and four wounded in shoot-outs with government security forces were actually murders of surrendered or surrendering suspects. An Army officer apparently killed himself when a bomb being planted in a church exploded prematurely.

Two government security agents were killed and eight wounded in the shoot-outs with extremists. In addition, 26 government security agents were wounded as a result of 21 separate terrorist attacks on precinct houses.

The continuation of "National Days of Protest" in 1984, as well as numerous smaller demonstrations, resulted in 24 civilians being killed and about 335 injured as a consequence of government attempts to control popular demonstrations or in associated accidents (down from 45 killed and about 400 injured in 1983). In addition, nine uniformed security agents were killed and about 45 more were injured during the protests.

In the 735 separate terrorist bombing attacks, most of which the Chilean Communist Party-linked Manuel Rodriguez Patriotic Front (MRPF) claimed to have carried out, four persons were killed and 102 injured. There is considerable evidence of Cuban, Nicaraguan, Libyan, and East European training and other support for the MRPF and the leftist terrorist group the Movement of the Revolutionary Left. The objective of both groups is the violent overthrow of the military regime and its replacement with a Marxist-Leninist regime.

One person, a Mapuche Indian leader, died under unknown circumstances in an action the rightist terrorist group Chilean Anti-Communist Action (ACHA) claims to have carried out. Human rights sources believe that ACHA is supported by and has links to Chilean government security services, particularly the CNI. Death threats from ACHA were received by numerous human rights and Indian leaders throughout Chile in 1984.

### b. Disappearance

The first case of mysterious disappearance since 1978 occurred in 1984. On October 25 the body of a young Chilean worker was found in a river. The body was decapitated and missing one hand. Family members identified the body as that of an individual arrested by the Carabineros on September 4. The Catholic Church human rights organization, the Vicariate of Solidarity, has initiated civil and military court proceedings. The security services deny that the individual was arrested.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and police brutality continue to be a serious problem in Chile. Torture by the security services, particularly the CNI, in actions related to its anti-terrorist mandate, is apparently permitted by the Government. The Chilean Medical Association is investigating cases of involvement by military doctors in torture and is preparing disciplinary action in one case.

The Constitution prohibits "use of all illegal pressure" and "guarantees to all persons the right to life and to the physical and psychic integrity of the individual." High-level government officials deny that the use of torture is authorized, but there is no evidence of specific government action to end torture. Transitory Article 24 of the Constitution permits incarceration in places other than jails, and it is in these other detention facilities where most torture is alleged to occur. In June, however, in keeping with a late 1983 court ruling, the Ministry of Justice published the addresses of ten previously secret CNI detention centers. The Government has also given itself authority for the CNI formally to arrest persons and detain them in its own facilities.

Credible reports of torture at these and possibly other detention centers of the CNI were made public by human rights sources in 1984. On October 18, one individual died, apparently as a result of torture while in CNI custody. The hospital admittance report, as well as the victim's oral testimony prior to his death, indicated that he had been subjected to electrical shocks and repeated blows to the abdomen which reportedly caused extensive internal bleeding. A habeus corpus petition was presented in favor of the man shortly after his detention. However, the petition was denied. The man was subsequently delivered by the CNI to a hospital where he died in surgery. CNI issued a statement saying the individual, a regional member of the Christian Democratic Party, was a terrorist.

In 1984, 84 persons filed complaints in courts alleging torture or cruel and unusual punishment compared with a total of 77 in 1983, 57 in 1982, 68 in 1981, and 100 in 1980. From 1976 to 1979, cases of torture declined as compared to the period 1973 - 1975. Most of these individuals allege that they were subjected to beatings, electric shocks, or threats, particularly during the first days of detention prior to arraignment. Chilean judges have recently begun ordering physical examinations for those alleging torture but no cases have completed the court process as yet. In most cases, the civilian judges have indicated that they lack jurisdiction and the cases have been referred to military courts where the military judges have either indicated an inability to identify the perpetrators or had nothing to report. While the civilian courts have named individuals they believe should have been indicted for torture if the civilian courts had jurisdiction, or, therefore, who should be indicted by the military courts, no military person has been charged or tried for torture in Chile.

Although the Government asserts that security and military forces are under strict control, a continuation of incidents of deliberate and random police brutality was reported by both Chilean and international human rights sources during 1984. Some such street incidents have been photographed and reproduced internationally on television. While most detainees do not file formal claims of mistreatment, some persons detained during the "National Days of Protest" or on other political grounds have complained of being beaten and forced to remain unclothed for extended periods of time. As a result of some of these incidents, police and military officials accused of excessive use of force were arrested. Most of those arrested have been arraigned and are currently free on bail awaiting trial.

Since January 1981, all persons officially charged with or convicted of violation of internal security laws have been lodged in the same penal facilities with other offenders. They have the rights of visitation and communications with family, friends, legal counsel, and representatives of the International Committee of the Red Cross (ICRC).

### d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrests, detentions and internal exile without trial were among the most serious areas of human rights violations in 1984. Under the state of siege, more than 8,000 persons were temporarily detained in massive police round-ups. Hundreds were detained without charge and 678 were sent into internal exile (421 to the Pisagua detention camp and 257 to other remote locations). Transitory Article 24 of the 1980 Constitution provides that security officials may detain individuals for investigation for a period of up to five days and up to 20 days in cases of terrorist acts which involve death, injury, or kidnapping before bringing them to a court. During the initial period of investigation, prisoners are often held incommunicado. In those cases reaching the courts, the investigating judges may take up to five more days to deliberate. These time limits are enforced and all defendants are allowed a lawyer of their own choosing. Lawyers affiliated with human rights groups are readily available without charge if necessary. Some of those arrested are charged with common crimes, such as illegal possession of weapons, robbery or murder. In other instances, the arrests appear clearly related to expression of the individual's political views or to alleged seditious activity, although the Government denies that anyone is arrested or detained because of his or her political views.

Although Chilean law specifically states that search and/or arrest warrants must be obtained from the courts and shown to the accused before implementation, a right guaranteed by the

1980 Constitution, this right is undercut by the Executive Powers granted under Transitory Article 24. In 1984, the CNI continued to obtain broadly-worded warrants which gave it considerable latitude in making searches or arrests. In most cases during the State of Siege, no warrants were shown by security officers. However, the courts have become firmer in demanding prompt accounts from the Government of those arrested by the CNI, including during the State of Siege. While writs of habeas corpus can be and are accepted during the initial arrest period, judges traditionally have been required only to verify the legal authority under which the person was detained. On November 12, the Supreme Court ordered all judges to begin insisting on the physical presence of the detainee in the courtroom, but it is not yet clear whether the Government will abide by the Court's order. When individuals are detained for activities related to politics, friends or relatives normally report the detentions, the press publicizes them, and the Government subsequently acknowledges them, although press restrictions during the State of Siege have made this process less effective.

The Catholic Church human rights organization, the Vicariate of Solidarity, reported handling directly a total of 5,264 detentions for security reasons during 1984, including 2,446 individual and 2,818 persons arrested in groups. (The comparative figures for 1983 were 4,537 total arrests, of which 735 were individual arrests and 3,802 persons arrested in groups.) In 1984, as in previous years, only about one percent of those initially arrested were convicted of a serious crime, nearly two percent were internally or externally exiled by administrative decree, another 40 percent paid small fines in a municipal court (averaging less than ten dollars per person) for disorderly behaviour, about nine percent were declared innocent following a public trial, about 13 percent were released by investigating judges for lack of sufficient evidence and slightly over 35 percent were released by the Government within five days without any charges being pressed.

### e. Denial of Fair Public Trial

Actions taken under the State of Siege resulted in serious violations of the right to a fair public trial. Respect for individual rights and civil liberties are guaranteed by the 1980 Constitution, but they are restricted to varying degrees by constitutionally sanctioned emergency powers. In 1984, the Chilean Government used its extraordinary powers under Transitory Article 24 effectively to nullify due process of law in several instances. Special laws were created or administrative decrees issued to thwart or reverse decisions by the court system.

As part of a general trend towards greater judicial independence, the courts have struck down some of these new laws and some lower courts even challenged Executive actions sanctioned by the transitory articles of the Constitution. This trend suffered a setback in July when the Supreme Court held that the President had "exclusive" power under authority granted in Transitory Article 24 to declare a "State of Danger of Disturbance of Internal Peace" and that "all means of judicial appeal (of executive actions authorized by that article) were suspended," leaving only the possibility of appeal to the President. However, as arrests and detentions continued under the State of Siege, a conflict emerged between the Executive and Judicial Branches of Government. The Judicial Branch is insisting that the courts have jurisdiction over those detained and can order inspections and process writs of habeus corpus under Article 21 of the Constitution. The Executive Branch insists that the Executive has the right to detain persons, per Article 41, which outlines procedures for the State of Siege. The Supreme Court has issued instructions to all Municipal Court officials outlining their responsibilities under the State of Siege. It is not clear whether the Government will comply with the Court's instructions.

Chile's civilian judges are career officials and most served in the judiciary before the present Government took power in 1973. First instance jurisdiction for the prosecution of proscribed political activities lies with regular civilian courts. As is common in Latin America, there is no trial by jury, and reliance is on the written record, rather than oral testimony. A judge serves multiple functions: as prosecutor, sometimes as defense attorney, and finally as the one who decides innocence or guilt. There is a well-developed multi-stage appeal process leading ultimately to the Supreme Court. Defendants' full legal rights to due process of law, including the right to legal counsel of their choice, have been limited by the State of Siege. In 1983 and 1984, there were fewer accusations than in past years that judges failed to assert their independence from the Government.

Weapons violations, which often are the basis of charges against alleged subversives, are tried before a military court. Appeals may be made to a military court of two civilian judges and three professional military judges and, in the last resort, to the entirely civilian Supreme Court. A 1981 decree granting juridiction over attacks on government personnel to a military tribunal--in which defendants' rights are limited--was invoked once in 1981, not at all in 1982, and in 1983 only for the accused assassins of the Santiago military intendant (governor) and his two army bodyguards. The decree was not invoked in 1984, except for the continuation of a 1983 case, whose constitutional legality is currently under appeal to the Supreme Court.

At the end of 1984, the Vicariate of Solidarity reported that 274 persons were imprisoned in Chile for politically motivated acts, some of which were violent; 227 were in jail awaiting trial and 34 were serving sentences after convictions. Additionally, 524 were free on bail while awaiting trial, 5 had been judicially sent into internal exile, 8 externally exiled by judicial decisions, 86 were free on parole and 8 were fugitives. In addition, 766 persons were internally exiled during the year for up to three months by administrative orders not subject to judicial reviews, compared to 98 in 1983. Most were sent to distant villages as punishment for illegal political activities or because they were regarded as habitual criminals. Eight persons were expelled from Chile in 1984 under Transitory Article 24 of the 1980 Constitution compared to no cases in 1983 and two cases in 1982. There have been no charges of forced labor in Chile since the mid-1970s.

### f. Arbitrary Interference with Privacy, Family, Home or Correspondence

Searches of the home and interception of private verbal or written communications are permitted by the 1980 Constitution provided that search warrants are issued by either a civilian or military court for specific locations. Wiretapping is also permitted subject to issuance of a judicial order. The new anti-terrorist law published May 17, 1984, in Articles 9 and 14, provides legal authority for surveillance of those advocating political views contrary to the 1980 Constitution and for interception, opening or recording of private communications and documents as well as the surveillance of individuals suspected of the commission of terrorist crimes. There are allegations that security forces do not always comply with the legal requirements for search warrants or judicial orders. In addition, searches of homes continue to be carried out under general warrants issued by civilian or military courts. Human rights organizations report that in a number of searches, legal requirements, such as display of a warrant, were not observed. This was particularly true in the search-and-detain operations carried out in four poor Santiago neighborhoods during November under the State of Siege where extensive property damage was also reported.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The 1980 Constitution guarantees freedom of expression and of the press. While freedom of speech is the norm in private conversations in Chile, various human rights groups indicate that extensive monitoring of mail and telephonic communications is conducted by government security services, particularly CNI. There are no constitutional provisions for official censorship. However, the Government exercises control of the media under the authority of Transitory Article 24 of the Constitution and the three states of exception concurrently in force (State of Danger of Disturbance of Internal Peace, State of Emergency and State of Siege). In addition, since 1973, the Government, usually through informal channels, has advised print, radio and television editors when their coverage was considered too critical of the Government. To forestall such notification, self-censorship is practiced by the electronic media and dailies with most editors adopting a cautious approach in the formulation of commentary. Several major media companies are in debt to government financial institutions, possibly resulting in further constraints on freedom of expression.

The Government, after relaxing controls on the media in 1983, in 1984 reestablished and enlarged restrictions on freedom of the press. Steps were taken through the civil and military courts, through a series of special administrative measures made possible by the powers granted the Government during the "State of Emergency" declared on March 21, and by rewriting the laws on libel and defamation of character. Multiple, overlapping edicts were issued banning photos, placement of news, types of news, specific coverage, and specific topics. Several journalists were arrested. While the courts threw out most of the edicts as unconstitutional, the Government achieved its short-term objective of blocking specific issues or news and, in several instances, simply issued another edict once the others were ruled out by the courts, in effect neutralizing the courts and blocking due process.

On March 26, in anticipation of widespread disruptions during the protests scheduled for March 27, the Government published two edicts. The first directed the media to refrain from publishing any material which encouraged "any alteration of the public order." The second edict directed four opposition magazines to submit their copy for prior censorship. This second edict was withdrawn four days later, though not before all the publications so directed had filed protests in the civil courts.

In April, the Government attempted to impose selective prior censorship for the second time and also filed charges against an opposition magazine and its editor for violating the State Security Law of 1958. These charges were dismissed by the courts which also ruled against the Government in disallowing prior censorship. On May 17, following publication of articles charging financial corruption by President Pinochet, members of his family and aides, the Government published a new version of the existing libel law. Called the "Law on Publicity Abuses," the rewritten statute significantly increased potential penalties for publishing false information about an individual's public affairs and made publication of any material, true or false, about an individual's private life or those of his spouse, descendents, forebearers, or siblings an actionable offense. An individual involved in bringing the charges against President Pinochet was beaten by unknown assailants and documents relating to the corruption charges were taken.

On September 3, one day before a scheduled national protest, the Government initiated court actions against several opposition magazines and ordered one of them to suspend publication for five issues. This suspension was subsequently lifted by the Appeals Court, but the objective of blocking publication was achieved in the interim. On September 4, the Government banned news broadcasting by four opposition radio stations. The bans were lifted a few days later, but not until the protests were over, thus achieving the objective of censoring the news without having the courts again declare the restriction illegal. On September 9, the Government published "Edict 19," which prohibited certain opposition magazines from publishing graphics of any kind and limited them to publishing information about protest demonstrations on their inside pages. The graphics prohibition was overturned by an Appellate Court on October 26, but the ban on front page coverage of protests was upheld. The Government has since appealed the court's decision on the publication of graphics.

Under the State of Siege declared by the Government on November 6, such control of the media has been greatly expanded to include prohibitions against media coverage of terrorist acts and all domestic political events and declarations except those provided by official government sources, though this latter restriction is not uniformly enforced. In addition, five opposition periodicals have been suspended from publication and a sixth is required to submit its copy to government censors prior to publication.

Cases involving most of the opposition press continue to be adjudicated. A number of these cases have been brought by various offices of the Government, but a significant number have also been initiated by the press. Over the year, the courts have maintained their independence vis-a-vis the Government on the issue of freedom of expression and, in a series of important cases, ruled in favor of opposition publications.

Individuals distributing publications considered subversive are subject to arrest and prosecution. All motion picture films must obtain approval from a censorship board and some are not permitted to enter Chile. The Government owns one newspaper, one radio network and the only truly nationwide television network. Access to this network is strictly controlled and opposition views are not given coverage. All other media firms - the majority - are privately owned. The Government does not jam foreign radio broadcasts. The distribution of foreign publications has rarely been delayed, although some foreign publications have been banned.

Under the State of Siege, the foreign press in Chile has come under increased government scrutiny with reports of incidents of confiscation of press notebooks and films at demonstrations, government monitoring of foreign correspondents' dispatches abroad, the November 26 government cancellation and review before reissuance of credentials to foreign press, and the expulsion from the country of the resident UPI correspondent on November 29. He was later allowed to return to the country in exchange for the departure of another UPI employee. Prior to the State of Siege, the foreign press generally operated free from government interference.

### b. Freedom of Peaceful Assembly and Association

Significant violations of freedom of peaceful assembly and association continued to occur in 1984. Restrictions on freedom of assembly, which were lifted when the State of Emergency was ended in August 1983, were reinstituted when the State of Emergency was restored in March 1984. On October 27, 1983 the Government had passed special legislation placing responsibility for protest demonstrations on certain individuals, and thus seeking to discourage further protests. Under this law, leaders of the two main opposition movements were arrested on October 9, 1984 on charges of encouraging the September 4-5, 1984 protest demonstration. The charges were dropped the next day at the request of President Pinochet. Other administrative measures were taken against workers and trade unionists in an effort to stop a planned national strike on October 29-30. With the declaration of the State of Siege on November 6, 1984 all political and labor assemblies have been required to give five days advance notice to the authorities. Five days notice must be given, as well as receiving government authorization, for special events, although those who peacefully protested the State of Siege in Santiago on November 27-28 were not arrested when the unauthorized demonstration was dispersed by the Carabineros.

Individual labor leaders have sometimes been dismissed under circumstances suggesting that they lost their jobs because of criticism of management or of the Government. The State of Siege has not interfered with most trade union activities. Collective bargaining, strikes, and internal union elections can go on as before. However, trade unions, as with other legally constituted groups, must obtain permission five days in advance to hold meetings. Some trade unions have had their premises searched, and several Communist Party labor leaders have been internally exiled.

Many trade union rights, suspended after the military takeover in 1973, were reinstated in July 1979, by a series of decree-laws known as the "Labor Plan." The trade union movement had little effective participation in the formulation of the Labor Plan and little influence in the Government's decisions regarding implementation of the new Labor Code. In 1983, opposition labor organizations, which enjoyed legal status, were given the opportunity to participate in a study of possible revisions of the Labor Plan. The vast majority of these organizations chose not to join, mainly because they objected to the original Labor Plan which would remain the basis for any revisions. The study was completed, and proposed modifications were submitted to the Junta in early 1984. The Junta reportedly continues to study the revisions.

Under the Labor Plan, workers at units employing 25 or more individuals can form a union by majority vote and elect their officers from among their co-workers. Officers of trade union organizations (including federations and confederations) must continue to be employed in their jobs in a plant represented by their union but are legally entitled to specified paid time off for their union work. Trade union leaders have three specific objections to the Labor Plan. First, collective bargaining is permitted at the plant level only. Second, national confederations embracing more than one industry as well as unions at the local level embracing more than one employer have no legal standing, although de facto nationwide confederations exist and their leaders sometimes meet with government officials. Federations and confederations are limited generally by law to providing technical assistance, education programs, and welfare and benefits activities for their affiliates. In fact, many are active politically, often in opposition to the Government. Third, the right to strike, legal only during collective bargaining negotiations, is limited to 60 days, after which workers may be considered by their employers to have voluntarily resigned their jobs. The right to strike is prohibited in designated strategic industries. In 1984, 48 firms, mostly public utilities, government copper mines, and the petroleum industry, were so listed. For these companies, failure to reach agreement during negotiations leads to binding arbitration. Management is legally permitted to hire strikebreakers in all instances.

In 1981, labor courts were incorporated into the normal juridical system. However, the Minister of Justice has declared the Government's intention to establish a labor court system, following complaints from labor and management that the present system is not working well.

The civil service is allowed to form associations but not unions. It does not have the right to bargain collectively or to strike. The Dockworkers' National Union, as previously constituted, and the union card, which severely restricted access to port jobs, were eliminated in 1982. The National Dockworkers' Union was replaced by small independent unions established in individual private companies which contract ship handling services. Professional groups and associations have not been limited by recent decree laws which were aimed at eliminating closed shop-type compulsory licensing privileges.

Labor unions are permitted to maintain relations with non-Marxist international labor bodies in their fields. In 1984, the International Labor Organization (ILO) conference accepted the credentials of the Chilean worker delegates which were challenged by the Christian Democratic-oriented

International Confederation of Labor (WCL) and the communist-controlled World Federation of Trade Unions (WFTU) on behalf of opposition labor groups in Chile. The Credentials Committee did, however, urge the Government in the future to consult with all the most representative organizations without exception. In recent years these two labor internationals and the democratic-oriented International Confederation of Free Trade Unions (ICFTU) have been active in bringing complaints in the ILO against the Government, alleging violation of several conventions concerning freedom of association, employment, forced labor, and unemployment policies. Chile was the subject of a critical, special paragraph in the 1983 report of the ILO's Committee on the Application of Conventions and Recommendations. The committee observed that national legislation and practice were not in conformity with the Commission on Discrimination in Employment and Occupation. In its 1984 report, however, the committee noted that positive developments had taken place, in particular that an advisory mission had permitted detailed discussion of the points raised by the ILO and that new legislation was being envisaged to meet these comments.

Organized labor continued to press for a full investigation of the 1982 murder of labor leader Tucapel Jimenez, who had tried to establish a national union. In late 1983, lawyers for the Jimenez family reported that they had completed their investigation of the case and had submitted evidence obtained from a former CNI employee to the courts, where it is currently under consideration. The evidence reportedly implicates persons associated with the CNI in the murder. There were no developments in this case in 1984.

### c. Freedom of Religion

The Constitution guarantees absolute freedom of religion. Although a predominantly Roman Catholic country, there are no restrictions on freedom of religion and no official discrimination practiced against any religious group. A number of Protestant denominations and other groups are active and report full freedom and tolerance, as does the Jewish community. Religious belief and adherence appear to have no effect on acceptability for government positions in Chile.

On November 10, 1984 the Government prohibited media coverage of a pastoral statement by the Archbishop of Santiago concerning the mass police sweeps made in areas of Santiago, though it did not interfere with the Church's publication and distribution of the statement. Other steps were taken throughout the country to limit expression by the Catholic Church, including television censorship of remarks by a Church spokesperson on November 12, and cancellation on November 14 of the Catholic Church's thirteenth annual social week devoted to consideration of a peaceful transition to democracy in Chile. On November 18, the Archbishop of Santiago issued a pastoral letter critical of the Government for censorship of the Church and for human rights violations.

On November 11, the Government issued a decree forbidding the return to Chile of a Spanish national priest who was the head of the Church's human rights organization, the Vicariate of Solidarity. A French national priest was apparently accidently shot in his residence during the September 4 demonstration and on December 5 a Carabinero officer was charged by the courts with the death. On December 27, a U.S.

national priest was expelled from Chile for activities related to an anti-torture campaign.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Chileans have full constitutional freedom to move about within or to leave their country, although the State of Siege gives the President the power to restrict movement on an individual basis, a power as yet unused. As many as one million Chileans live abroad, principally for economic reasons. Most of them have resided for many years in Argentina. In the judgment of international organizations dealing with migrants, the volume of skilled and unskilled workers returning to Chile now roughly equals the number leaving. Most of the current emigrants seem to be motivated by economic rather than political factors, and no impediments have been placed in the way of their return. There have been no complaints concerning the treatment of either political or economic repatriates.

Following the military takeover in 1973, thousands of persons left Chile. Later, many were forbidden to return by administrative decrees, although the exact number was in dispute. After initially publishing lists of those persons permitted to return, in September 1984, after years of controversy, the Government made public a list of 4,860 Chileans in exile who would not be allowed to return, thereby resolving the question of who was exiled and who was considered to have left voluntarily. A government spokesperson stated that all those not on the list are permitted to return. For those on the list, the Government continued its already established system of requiring individual exiles to apply at Chilean missions abroad for approval to return. (An average of 50-100 a month were authorized to return during 1984.) It is not known how many persons have actually returned or how many have petitioned Chilean missions abroad for the right to return.

Chile has accepted a few refugees from other countries in recent years and makes regular, modest financial contributions to international organizations aiding refugees.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

In 1984 there were six "National Days of Protest" against the military Government's announced intention, pursuant to the 1980 Constitution, to remain in power at least until the plebiscite of 1989, and in favor of a return to an elected civilian government. Democratic opposition groups, organized in a coalition known as the Democratic Alliance, have called for an early return to democracy and on December 14 sent a letter to the members of the Junta proposing the basis for a discussion of the transition process. At issue is the legitimacy of the 1980 Constitution and the transition schedule established in that document. In the September 1980 plebiscite, which approved the new Constitution by a two-thirds majority, there was universal suffrage and voting was required by law. While most observers believed that the results of the plebiscite reflected the will of the majority, opposition elements criticized the lack of choice for an alternative constitution, as well as the absence of electoral registers and other safeguards and restraints on the ability to publicize fully objections to the proposed Constitution.

## CHILE

According to the Constitution, a plebiscite will be held in 1989 to accept or reject a Junta-approved candidate for President. If approved, he will serve until 1997; if rejected, there will be open presidential elections in 1990. Congressional elections are also scheduled for 1990. Prior to the State of Siege, government spokespersons indicated some willingness to consider a plebiscite to change the Constitution to advance the date for congressional elections and President Pinochet submitted a proposal to the Junta in March suggesting that a plebiscite be held on whether or not to grant the Executive authority to hold consultative plebiscites at will. The proposal is still under study by the Junta. However, according to the Constitution, which was approved in voting based on identity cards, any plebiscite to change the Constitution can be held only after publication of a new electoral law. If the plebiscite approves changes in the Constitution to advance the date for congressional elections, such elections would then be set for a subsequent date. Government spokespersons have officially indicated that such elections would also require reestablishment of electoral registers which were destroyed in 1974 because of falsifications that had taken place during the Allende Government. Meanwhile, the Junta exercises legislative authority, subject to presidential approval.

Prior to the State of Siege, President Pinochet had committed himself to issuance of a law legalizing political parties. Significant differences emerged between the President and the Junta over the terms of the new political parties law, specifically with regard to the formation of regional political parties and the required number of signatures to form a national party. In view of the unresolved issues, and making reference to the ongoing protests and increasing terrorism, President Pinochet on October 29 declared that the political parties law would not be published until after an electoral tribunal law and electoral law were passed, but set no date for doing so. Technically, the Junta is still considering the political parties law. The draft, which is largely in the public domain, has been denounced as undemocratic by several opposition political parties which refused to participate in the drafting process despite being invited by the Government to do so, since, in their view, such participation would imply acceptance of the 1980 Constitution. The law on electoral tribunals is also still before the Junta. In addition, a Government-appointed body, the Council of State, is studying proposals for electoral laws.

Political parties, including those with a Marxist orientation, were allowed to function in an increasingly open manner after the relaxation of political restrictions in August 1983 until the declaration of the State of Siege on November 6, 1984. All parties remain formally "recessed" by the Government and Marxist parties that were members of the 1970-73 Government remain illegal. Democratic parties have been allowed to continue functioning under the State of Siege, albeit under duress and without publicity. Marxist parties have been harassed into the quasi-clandestine status that prevailed before the August 1983 political opening.

University students increased substantially their political activity in 1984, despite a 1981 law forbidding nearly all political activity in the country's state-supported universities. In direct elections, opposition university student groups won control of a number of student federations, including that at the University of Chile. Student pressures for reduced government interference in universities continue. Student demonstrations, often involving takeovers and violence, have occurred on a number of campuses and authorities have sometimes called in the Carabineros to restore order. Nearly two hundred students have been expelled from various campuses in Chile as a result of the demonstrations.

## Section 4 Governmental Attitude Regarding International and Non-government Investigation of Alleged Violations of Human Rights.

In July 1978, the Government allowed members of an ad hoc working group of the United Nations Human Rights Commission (UNHRC) to visit Chile. After the group completed its work, a Special Rapporteur was appointed to submit human rights reports on Chile to the Commission and to the United Nations General Assembly. The Government has informed U.N. authorities yearly since 1979 that it will not cooperate with UNHRC's Special Rapporteur, contending that the special status given to Chile "has no legal or moral validity and is unjustifiable discrimination against Chile," a position supported in recent years by the U.S. The Government has also refused to cooperate with the Inter-American Human Rights Commission and has denied permission for the Commission to enter Chile. However, government policy has generally been to allow visits and investigations by private international human rights groups. In 1982, Amnesty International visited and in more recent years there have been numerous visits by less well-known international human rights groups, as well as visits by individual representatives of such groups. In addition, in 1978 and 1980, the Government allowed visits by a mission from the International Labor Organization (ILO) to check on alleged abuses of trade union rights, particularly freedom of association. While the allegations remain pending, ILO reports specifically noted the cooperation of the Chilean Government in the investigations.

Since the 1973 military takeover, the Inter-Government Committee for Migration (ICM) has been active in Chile, conducting a program giving prisoners convicted of politically related offenses an opportunity to go into exile rather than remain in prison. In recent years, the ICM has been involved in helping some migrants, mainly economic ones, to return.

The Lawyer's Committee for International Human Rights and other non-governmental organizations have expressed special concern about Chile. Amnesty International, in its 1984 report, expressed concern over the complaints of torture and other mistreatment of detainees by security forces, the arbitrary detention of thousands of demonstrators, the banishment without trial of 127 persons, the imprisonment of prisoners of conscience, the death of political opponents of the Government in disturbing circumstances, the continuing enforcement of emergency legislation affecting the right to due process of law, and the failure to account for those 663 persons who disappeared in the period 1973-78. Although the Government contends that virtually all of the reports produced by these foreign organizations exaggerate or deliberately distort the scope and volume of abuses, it has permitted visits by their representatives. International Committee of the Red Cross (ICRC) representatives also regularly visit

Chile to check on prison conditions. Freedom House, in its 1984 report, gave a "partly free" rating to Chile.

The Catholic Church since 1973 has taken the lead in defending human rights and supplying legal counsel to those accused of politically related crimes and to alleged victims of human rights abuses. The Church's human rights group, the Vicariate of Solidarity, monitors the human rights situation from church offices throughout Chile, issues monthly reports, and has protected and defended significant numbers of people since 1973. The Church's activities have resulted in visible tensions between the Government and the Church hierarchy, and official action was taken in 1984 to prohibit the re-entry into Chile of the head of the organization, a Spanish national priest. Some church activists and human rights lawyers have occasionally been threatened anonymously.

The Chilean Commission for Human Rights, a private organization, has also publicized alleged abuses and spoken out strongly against them, as well as issuing monthly reports on the human rights situation. It has been allowed to maintain affiliations with international human rights groups. During the State of Siege, a number of the Commission's members were subjected to arrest and sent into internal exile, allegedly for their political activities.

The Vicariate of Solidarity, despite having some active political figures, including Marxists, on its staff, maintains a posture of being concerned only with human rights and publicly offers no specifically political opinions. The Chilean Commission for Human Rights, directed by opposition political figures, openly devotes its efforts not only to human rights issues but also to bringing about major changes in the nature of the government as the best means of ending human rights abuses.

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Chile suffered a severe recession in 1982 and as a consequence, agreed to a two-year standby program with the IMF in January 1983 to provide essential support for balance of payments purposes and orderly external debt servicing. At the same time, the program limited the Government's ability further to stimulate the economy, and to counteract the social effects of the recession.

Large fiscal expenditures, plus some recovery in private sector activity, led to a real GDP increase of 5.9 percent in 1984, although the rate declined in the last half of the year. Inflation grew by 23 percent in 1984 and real wages declined by 5.6 percent through October. Unemployment remained at 14.6 percent through November, the same as at the end of 1983. However, the percentage of the work force in low-wage government emergency work programs equaled 9.7 percent at the end of November, down from 13.2 percent at the end of 1983. Austerity measures, including a devaluation and an increase in import duties, were announced on September 17, 1984.

In 1983, 59.7 percent of all central budget expenditures went to social services, with health expenditures declining to 8.6 percent of the social services subtotal, social welfare expenditures increasing to 28.6 percent, housing increasing to 2.2 percent, pension and unemployment support increasing slightly to 33.3 percent, and education declining to 26.3 percent. The Government focuses its social programs on the poor. The number of Chileans living below the absolute poverty level exceeds 15 percent of the population. Health and nutrition programs in Chile are extensive, despite some recession-induced cuts in 1983 spending. The level of malnutrition in children under six years of age increased slightly to 9.0 percent in 1983. Infant mortality rates declined to 20 per 1,000 live births in 1983. Average life expectancy at birth increased to 67.8 years in 1983. In 1977, the Chilean calorie supply as a percentage of nutritional requirements was 108.9 percent. In 1979, 87.0 percent of the population had access to safe water. The Government devoted 15.7 percent of its central budget to education in 1983. The primary school enrollment ratio was 119 percent in 1979 (indicating some primary enrollment by older students) and the adult literacy rate increased to 94.4 percent in 1983.

The population's economic and social needs, while still very high among the poorer sectors, are largely met on a non-discriminatory basis. Nonetheless, some legal distinctions between the sexes still exist. For example, the legal retirement age for women is five years lower than that for men. Married women may not conduct commercial transactions unless a separation of goods contract is established at the time of marriage, or through a subsequent special one-time request. Married women may not take children out of the country without the permission of the father. On the other hand, inheritance laws provide strong protection for wives and favor female heirs over male heirs. Abortion is illegal, but birth control information and devices are readily available in private channels and through many government health clinics. Women's status in society has evolved positively over the years, and women now enjoy greater access to education and employment than in the past. In 1981, the primary school enrollment ratios for females and males were about the same. In 1970, female literacy equaled 88.2 percent, compared with 89.9 percent for males. In 1982, 39.4 percent of all university students were women. Women have served in such important government positions as mayors, agency heads and ministers.

Women have good access to entry-level and mid-level professional jobs, but they do not hold a proportional number of upper-level positions.

Minority groups do not suffer any specific legal discriminations. The only significant minority group, the Mapuche Indians from the southern region of Chile, remains partly separate from the rest of the society due to historical, cultural, educational, and geographic factors rather than official policy. Government efforts to integrate this group through, among other things, division of communal lands into individual land holdings, led to several violent demonstrations. Problems were encountered by the leaders of a Mapuche organization throughout 1984. On April 25 twelve Mapuche's were arrested and two were reportedly beaten. Two were internally exiled to small towns in the north of Chile for 90 days each. During the State of Siege many of these individuals were again arrested and four were ordered into internal exile.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: CHILE

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL | 6.7 | 2.8 | 1.7 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 6.7 | 2.8 | 1.7 |
| A.AID | 0.0 | 0.0 | 0.0 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 0.0 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.) | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE | 2.3 | 1.0 | 0.0 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 2.3 | 1.0 | 0.0 |
| TITLE I-TOTAL | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL | 2.3 | 1.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY | 2.3 | 1.0 | 0.0 |
| C.OTHER ECON. ASSIST | 4.4 | 1.8 | 1.7 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 4.4 | 1.8 | 1.7 |
| PEACE CORPS | 1.2 | 0.0 | 0.0 |
| NARCOTICS | 0.0 | 0.0 | 0.0 |
| OTHER | 3.2 | 1.8 | 1.7 |
| II.MIL. ASSIST.-TOTAL | 0.0 | 0.0 | 0.0 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL | 6.7 | 2.8 | 1.7 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 6.7 | 2.8 | 1.7 |
| OTHER US LOANS | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS | 0.0 | 0.0 | 0.0 |
| ALL OTHER | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL | 192.4 | 573.7 | 352.2 | 2317.3 |
| IBRD | 0.0 | 128.0 | 0.0 | 600.8 |
| IFC | 10.2 | 44.5 | 0.0 | 69.0 |
| IDA | 0.0 | 0.0 | 0.0 | 19.0 |
| IDB | 182.0 | 400.5 | 352.2 | 1560.8 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 0.2 | 0.7 | 0.0 | 60.0 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 7.7 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## COLOMBIA

Colombia is a strong, functioning two-party democracy, ruled by elected governments for all but four years (1953-57) of the present century. The political arena has been dominated by the Liberal and Conservative parties since the mid-19th century, but smaller parties are nominally represented in Congress and have fielded Presidential candidates. Members of Congress and the President are elected in separate elections every four years. In the 1982 elections, which produced the largest voter turnout in recent history, Belisario Betancur, the Conservative candidate, won the Presidency while the Liberals took control of Congress. Governors, mayors, and members of the Cabinet are appointed by the President under a constitutional provision which calls for "adequate and equitable" representation in government of members of the major party which does not hold the Presidency.

Civil and political liberties are guaranteed by the Constitution, but an overburdened and cumbersome judicial system more often than not results in lengthy pretrial detention. For much of the past 35 years, the country has been under a constitutionally authorized state of siege to deal with civil disturbances and insurgent movements. The state of siege, permitting curtailment of some civil and political freedoms, was lifted in 1982 but reimposed in March 1984 in the Departments of Huila, Meta, Cauca and Caqueta following a major guerrilla attack on Florencia, the capital of Caqueta Department. As a result of the assassination of the Minister of Justice on April 30, it was expanded nationwide on May 1. On declaring both the partial and nationwide states of siege, the President emphasized their limited applicability and temporary nature.

Political violence stemming from historical Conservative-Liberal struggles has troubled Colombia since the 1950's. A number of guerrilla organizations exist today. In an effort to end insurgent violence, the Government promulgated an amnesty law in November 1982 which covered all guerrillas. A reported 1,500 guerrillas took advantage of the amnesty, including 331 released from prison. There have been polarized and emotional reactions to the amnesty. Critics cited the example of a guerrilla leader released from prison who rejoined the guerrillas, while supporters pointed to an ex-guerrilla leader now in local government. The Permanent Committee for the Defense of Human Rights, the most prominent human rights organization in Colombia, reported that a total of 59 amnestied guerrillas had been killed as of August 1984. Vigilante-type groups, such as the Muerte a Secuestradores (MAS), Death to Kidnappers, has been blamed for the violence against amnestied guerrillas.

A cease-fire agreement with Colombia's largest guerrilla group, the Revolutionary Armed Forces of Colombia (FARC), was signed March 28, 1984 and, after President Betancur endorsed it, became effective May 28. The President designated a 43-member National Verification Commission to supervise the accord.

On July 18 the President named a 35-member Negotiation and Dialogue Commission to facilitate peace talks with the M-19, the Popular Liberation Army (EPL) and the Workers' Self-Defense Movement (ADO), which led to three additional cease-fire agreements effective August 30. These plus the FARC cease-fire agreements cover an estimated 90 percent of the active guerrillas in Colombia. Only the National Liberation Army (ELN) and a few small groups had not signed such accords by the end of 1984.

The accords call for the convocation of a National Dialogue to consider basic governmental and economic reforms. The National Dialogue between the Government and representatives of the ADO, EPL, FARC, and M-19 began November 1. The cease-fire agreements have no fixed duration, but on December 1 the Government and FARC signed a formal one-year truce agreement.

The guerrilla groups that have signed cease-fire or truce agreements have retained their weapons but have promised not to use them unless unduly provoked, and they have promised to refrain from kidnapping and extortion. However, by most accounts the level of kidnappings and extortions has increased. Although clashes between the military/police and the guerrillas have fallen off, they have not yet been eliminated.

During 1984 the general human rights situation in Colombia showed continued improvement. However, Colombia continues to have a high violent-death rate. Responsibility for such violent acts is difficult to assign. Uniforms, symbols, and methods of operation are appropriated by one group or the other--the guerrillas, the armed forces, or vigilante groups--either to discredit opponents or to hide culpability, making it difficult to determine who is responsible for which crime. Criminal elements, especially those connected to drug trafficking, are responsible for many of the deaths.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

According to the Permanent Committee for the Defense of Human Rights, during the period August 1983 - August 1984, 633 people were assassinated by the armed forces, police, secret agents, paramilitary groups, or unknown persons. The Committee also listed 274 death threats and 133 woundings and attempted assassinations by security forces and paramilitary organizations. The great majority of these offenses took place in rural areas, for example, the mid-Magdalena River Valley, where the military was fighting guerrilla groups and where confirmation of reports is often difficult. The Committee's statistics are based on press reports, personal testimony, and complaints filed by relatives and friends of the victims. The Committee does little investigation of the merit of each alleged violation reported.

During the period January-August 1984, according to armed forces statistics, 67 members of the national police and 57 members of the armed forces were killed by guerrillas, while 431 guerrillas died. During the same period, 278 civilians were reported to have been assassinated by guerrillas, primarily the FARC, for failure to support the guerrillas or for presumed assistance to the security forces.

## COLOMBIA

### b. Disappearance

The Permanent Committee reported that 94 people had disappeared or had been kidnapped in the period January-July 1984. Twenty-eight of these offenses were attributed to security forces, 48 to paramilitary organizations, and the remaining 18 to persons unknown.

A report released by the Attorney General on October 20 stated that 150 persons disappeared between September 1977 and October 1984. It attributes some of the disappearances to military and security forces personnel, but stresses that such crimes were carried out by soldiers and policemen acting on their own, which in no way compromises the military or police institutions. The report also attributes disappearances to both paramilitary and guerrilla forces and asserts that the Government is doing its best to restrain all three sources of disappearances. None of the military personnel named in a 1983 report by the Attorney General as having been involved in vigilante-type activity has been brought to trial.

There was a rash of kidnapping in rural areas in 1984, primarily of cattlemen and large landowners. Large ransoms were demanded and, in most cases, paid. In many cases, the ransomed victims believed they were held by guerrilla groups because of the organizational skill, weapons, and ideological rhetoric used during the kidnapping and the negotiations to release them; guerrillas have traditionally used kidnapping and extortion to raise funds. In other cases, criminals motivated by purely financial gain are believed to have been responsible.

According to press reports, kidnapping reached a new high in 1984. Of 215 reported incidents, 132 were attributed to guerrillas and 83 to common criminals. Nine victims were killed, 66 remained in the hands of captors at year's end, and the remainder escaped or were rescued or ransomed.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is forbidden by law. However, the Permanent Committee for the Defense of Human Rights listed 275 cases of torture between August 1983 and August 1984; 158 were attributed to the security forces, 72 to paramilitary organizations, and the remainder to persons unknown. Most of the cases are reported from rural areas. Press reports indicate many murder victims of vigilante groups showed signs of torture. It is impossible to determine in fact how extensive these acts are and how many, if any, are perpetrated by persons linked to the Government.

Many prisons are overcrowded, and one--on the Pacific island of Gorgona--is being closed because of its deteriorating condition. Conditions in many prisons are poor. In most, inmates are fed a subsistence diet but can supplement it with purchases from prison stores. Prisoners with financial resources live better than those without. Family members and friends are normally allowed to visit regularly and to bring food and clothes. Consular officers are given regular access to foreign prisoners. Most prisoners accused of crimes in connection with guerrilla activities have been incarcerated in regular prisons, although segregated from common criminals.

## COLOMBIA

In June 1983 the International Labor Organization Committee on the Application of Conventions and Recommendations observed that despite the explanations of the Colombian Government, certain legal provisions made it possible to impose forced labor on detained persons who had not been convicted. It tooknote, though, of the Government's intention to reform the prison code and bring it into conformity with ILO Convention 29 on forced labor.

### d. Arbitrary Arrest, Detention, or Exile

Colombia's Constitution provides for habeas corpus procedures, and the law requires that individuals be brought to court within 72 hours of arrest in most cases. These requirements are respected in practice. Persons detained for disturbance of public order can be held up to 10 days before charges need to be filed. There are no legal provisions for exile.

### e. Denial of Fair Public Trial

The rights of public trial and due process are guaranteed to all by the Constitution. A prisoner may be represented by an attorney of his choice, or if he has none, the court will appoint one. The overburdened judicial system, however, has meant most persons indicted for common crimes never come to trial, but are simply released after serving the minimum sentence applicable to the crime in question. According to the Minister of Justice, in January 1984 there were approximately 25,000 prisoners, 17,000 of whom were in pretrial detention. A bill has recently passed Congress authorizing special judges to hear cases of extortion, kidnapping, and terrorism, as well as to reduce the number of trials by expanding the jurisdiction of police inspectors to try less serious crimes. At the same time, the Justice Ministry is considering plans to streamline the court system and revise the penal code.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution requires a court order before authorities can enter a private home, except in the case of "hot pursuit" of a person seen committing a crime. While some human rights organizations allege widespread violations in remote areas of the country, the concept of the sanctity of the home and privacy is widely respected in most parts of the country. Persons from rural areas have claimed that they were forced to leave their farms because of guerrilla activity.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

These constitutionally-guaranteed rights are as a rule respected, and the press often vigorously criticizes the Government and its leaders. The privately-owned print media are under no government restraints, publishing a wide variety of political views.

Television channels are controlled by the state, which leases time to private companies. The Government does not permit private news programs to broadcast interviews which last longer than ten minutes; during political campaigns, news programs cannot broadcast the voice of a candidate whose campaign rally is being filmed. There is no such restriction on "talk shows." A section of a bill on electoral reform before Congress calls for ensured access to the electronic media for all political parties.

### b. Freedom of Peaceful Assembly and Association

Public meetings, marches, and demonstrations are normally held without interference. Under the state of siege, prior permission is required for demonstrations, but it is usually granted, except when there is a clear and present danger to public order.

Colombian workers freely exercise the right to form unions and, in the private sector, to bargain collectively and strike. There are four labor confederations (including one associated with the Communist Party) and an estimated 7,000 unions. Approximately 12 percent of the total labor force is unionized. Among the four confederations, the Confederation of Colombian Workers and the Union of Colombian Workers are affiliated with the International Confederation of Free Trade Unions. The remaining two, the Trade Union Confederation of Colombia and the General Confederation of Labor, are affiliated with the World Federation of Trade Unions and the World Confederation of Labor, respectively. The labor code is administered impartially, regardless of the ideology of the union. Trade union leaders participate fully in the electoral process and are often members of the National Congress and municipal assemblies.

### c. Freedom of Religion

The Constitution guarantees freedom of religion. Although an overwhelming majority of Colombians are Roman Catholics, no constitutional or practical discrimination exists against any religious group. According to official statistics, 217 different religious sects are registered in Colombia.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Colombians are free to leave the country without unusual restrictions. In areas under military control, where operations against rural guerrilla groups are underway, the movement of civilians requires "safe conduct" passes; guerrillas reportedly use a similar means to restrict travel in areas under their control.

Colombians who have sought and been granted "diplomatic asylum" in foreign embassies have always been allowed to depart. Expatriates can, by law, repatriate, and the right is respected in practice. Colombia in the past has accepted refugees--the most recent case involving Chileans expelled by the Chilean Government in September 1984. However, because of high unemployment and underemployment, the Government is increasingly reluctant to accept displaced persons.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Colombia has a strong two-party democratic system of government, and elections are conducted fairly and openly. Persons over 18 years of age have the constitutional right to vote. Those convicted of certain crimes may be disenfranchised. Public employees are forbidden by law to participate in political campaigns but, with the exception of military personnel, can vote.

Colombian politics are dominated by two major parties, the Liberal and the Conservative. Each includes elements with widely divergent political views. All parties are free to raise funds, field candidates, hold public meetings, have access to the media, and publish their own newspapers. Almost seven million--approximately 60 percent of eligible voters--turned out for the May 30, 1982, Presidential election, the heaviest voter turnout in recent history. Many went to the polls despite guerrilla threats to punish those who did so.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Government has actively participated in international and regional human rights bodies, is currently a member of the UN Human Rights Commission, and has invited nongovernmental human rights organizations to visit. Freedom House classifies Colombia as "free." Amnesty International Report 1984 expressed concern about extrajudicial executions and systematic torture carried out "as a matter of policy" by some army and police entities, as well as cases of execution-style killings of kidnap victims held captive by guerrilla organizations. On the other hand, Amnesty International welcomed measures by the Attorney General and civilian courts to investigate and prosecute military and police officials alleged to be responsible for serious abuses of authority.

The Permanent Committee for the Defense of Human Rights is the most active national organization monitoring the local human rights situation. Statistics prepared by this committee have been used extensively by international organizations such as Amnesty International, Americas Watch, and the Washington Office on Latin America. Colombian human rights organizations follow trials of those accused of rebellion, investigate reports of human rights violations, provide defense lawyers, and publish newsletters. Periodic human rights forums are held in Colombia.

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The economic slowdown which began in 1980 has continued, and the real Gross Domestic Product growth rate for 1984 is expected to be only one to two percent. Colombia's population of 28,901,000 grew at a rate of 2.1 percent in 1984. Inflation is declining. Government data shows unemployment rose to 13.8 percent in September 1984, with underemployment at 14 to 16 percent. According to Colombian labor experts, official labor statistics do not take into account an estimated 2.5 million children under age 15 who work for low pay under poor conditions and with little protection by the Colombian labor code. Although increases in minimum wages have more than kept pace with increases in the cost of living in recent years, a large percentage of workers do not earn the minimum wage.

Per capita Gross National Product in 1982 was $1,463, but there is inequality in the distribution of the nation's income and wealth. According to a 1983 World Bank report, the wealthiest 10 percent of Colombia's population received 40 percent of the national income, while the poorest 20 percent got only 5 percent. A notable exception to the general pattern of income distribution is in Colombia's important coffee-growing regions, where farms have traditionally been small-to-medium-sized. More recently, some small farms in the higher altitude areas of Bogota and Medellin have been able to take advantage of the increasing export demand for fresh-cut flowers. Colombia has a highly progressive income tax, but tax evasion is widespread and direct taxation is declining as a proportion of government revenue.

Land tenure is a major problem: the top 10 percent of landowners hold 80 percent of the land, while the bottom 10 percent own 0.2 percent. Significant regional inequalities also exist, with the best economic opportunities, health care facilities, and education available in the largest cities. This has contributed to heavy, though decreasing, migration from the countryside to urban aras.

The Betancur Administration has promised to provide 400,000 low-cost housing units between 1983 and 1985 and to concentrate on rural adult literacy and vocational training. The Government will also offer extension courses at the university level to expand education. The 1983 budget for the social sector ministries (labor, government, health, and education) accounted for approximately 28.5 percent of total expenditures.

While there is an excess of teachers nationwide, there is a severe shortage in the countryside. Primary school enrollment has increased, and the adjusted enrollment ratio of 115.8 percent in 1981 is partially explained by frequent repetition and the presence of adolescents and adults in the primary grades. The adult literacy rate was estimated at 81 percent in 1973. Colombia's infant mortality rate was 63.6 per 1,000 live births in 1984. While the ratio of calorie supply available for consumption relative to nutritional requirements in 1977 was 98 percent, per capita consumption of important commodities such as meat, eggs, and milk declined between 1948 and 1978, and malnutrition is a leading cause of death among children under five years. According to World Bank statistics, 63 percent (1976) of the population has access to safe water.

Women have equal civil and property rights by law. Their economic situation, though improving, is inferior, especially in rural aras; they comprise just over 25 percent of the country's economically active population, but are concentrated in low-productivity, low-income sectors. Historically, the unemployment rate for women has been higher than for men, but this difference has decreased in recent years. Although Colombian women are legally entitled to pay equal to that of their male counterparts and are normally paid equal salaries when employed by the Government, this is not generally the case in private industry.

As more Colombian women graduate from universities and participate in the work force, they are increasingly active at all levels of society. A growing number are receiving higher education; they currently comprise 40 percent of the university population. They serve as legislators, judges, department governors, political party leaders, government officials, and diplomats. Perhaps the most obvious indicator of the growing role of Colombian women in urban society is the unprecedented number of high-level women appointees in the Betancur administration. Currently the Ministries of Education and Communication are headed by women. Moreover, female vice ministers have been appointed in the Ministries of Foreign Relations, Justice, Treasury, Agriculture, Development, Mines, Labor, Health, Education, Communications, and Public Works.

Colombian Indians enjoy all rights and privileges of full citizenship. Notwithstanding their constitutional rights, Colombian Indians have at times suffered a wide variety of abuses at the hands of local landowners, cattlemen, and prospectors. The Government has curtailed the worst of such abuses and is now seeking to promote improved local relations through community action, public education, and legal aid.

While there were sporadic land invasions by Indian groups in 1983, an upsurge occurred beginning in mid-1984 and is continuing unabated. While some landowners attribute the surge to leftist political activities, others consider it a natural result of the current politicking over land reform. Whatever the cause, the trend toward increased invasions has generated growing concern among government and land-owning circles.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: COLOMBIA

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL | 3.0 | 3.9 | 8.2 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 3.0 | 3.9 | 8.2 |
| A.AID | 0.0 | 0.0 | 0.0 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 0.0 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.) | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE | 0.0 | 0.0 | 0.0 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 0.0 | 0.0 | 0.0 |
| TITLE I-TOTAL | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL | 0.0 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST | 3.0 | 3.9 | 8.2 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 3.0 | 3.9 | 8.2 |
| PEACE CORPS | 0.0 | 0.0 | 0.0 |
| NARCOTICS | 2.7 | 3.5 | 6.8 |
| OTHER | 0.3 | 0.4 | 1.4 |
| II.MIL. ASSIST.-TOTAL | 10.5 | 0.7 | 25.3 |
| LOANS | 10.0 | 0.0 | 24.5 |
| GRANTS | 0.5 | 0.7 | 0.8 |
| A.MAP GRANTS | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING | 10.0 | 0.0 | 24.5 |
| C.INTL MIL.ED.TRNG | 0.5 | 0.7 | 0.8 |
| D.TRAN-EXCESS STOCK | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL | 13.5 | 4.6 | 33.5 |
| LOANS | 10.0 | 0.0 | 24.5 |
| GRANTS | 3.5 | 4.6 | 9.0 |
| OTHER US LOANS | 540.3 | 3.8 | 0.0 |
| EX-IM BANK LOANS | 540.3 | 3.8 | 0.0 |
| ALL OTHER | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL | 512.3 | 222.4 | 1041.3 | 6601.5 |
| IBRD | 291.3 | 78.4 | 464.1 | 4116.5 |
| IFC | 14.6 | 28.8 | 6.8 | 130.0 |
| IDA | 0.0 | 0.0 | 0.0 | 19.5 |
| IDB | 206.1 | 106.2 | 570.4 | 2248.7 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 0.3 | 3.2 | 0.0 | 58.8 |
| OTHER-UN | 0.0 | 5.8 | 0.0 | 28.0 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## COSTA RICA

Costa Rica is and has been for decades a functioning constitutional democracy. The Government consists of three independent branches: executive, legislative, and judicial. Elections were last held in February 1982; nearly 80 percent of eligible voters participated. The tradition of alternating political parties in every election since 1948 except one was maintained, and President Luis Alberto Monge of the National Liberation Party (PLN) defeated the candidate of the incumbent Unidad coalition. The President is constitutionally prohibited from succeeding himself as are members of the Legislative Assembly. The 57 deputies in the Assembly are elected at the same time as the President and, like his, their terms of office are four years. The two major political parties now preparing for elections in February 1986 are the National Liberation Party and the United Social Christian Party, recently consolidated from the Unidad coalition. A leftist coalition presently holds four seats in the Legislative Assembly. Included in the coalition is the Communist Party, which freely participates in the political process.

In Costa Rica's mixed economic system, the right to hold private property is legally protected, and approximately 80 percent of the gross national product is produced by the private sector. There are a number of government-owned autonomous agencies which provide both goods and services. The public sector is the nation's largest employer with around 20 percent of the work force. While inflation has been largely brought under control, both unemployment and underemployment continue to be problems, especially among the young.

Both police and national defense functions are performed by the Ministry of Public Security's Civil Guard and the Ministry of Government's constabulary force in the countryside, the Rural Guard. The Judicial Police (OIJ) is an entity of the judicial branch directly responsible to the Supreme Court. The OIJ is charged with investigating crimes. In theory, the primary mission of the security forces of the executive branch is to prevent crimes. In practice there is considerable overlapping in the function between OIJ and the Civil/Rural Guards. Costa Rica abolished its standing army in 1949. The country's security forces, which are subject to civilian control, are few in number and inadequately trained and equipped. With the continuing threat of internal subversion and persistence of troubled relations with Nicaragua, there is widespread popular support for upgrading and making more professional the Civil and Rural Guards. There is no significant public support for creating a professional armed force.

Although there is some concern that Costa Ricans, afflicted with economic problems, especially a high unemployment rate, will eventually react against the increasing numbers of displaced persons and refugees entering the country, they have over the past year preserved their traditional policy of welcoming such persons.

Costa Rica has maintained its excellent human rights record over the past year. The Monge Administration has been particulary sensitive to the need to protect basic human rights.

# COSTA RICA

## RESPECT FOR HUMAN RIGHTS

## Section 1 Respect for the Integrity of the Person, Including Freedom from:

### a. Political Killing

Neither the Government nor any other political organization has used killing as a political weapon.

### b. Disappearance

There have been no known incidents of abductions, secret arrests, or persons held clandestinely by any agency of the Costa Rican Government.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Costa Rican Constitution states that "No one shall be submitted to cruel or degrading treatment nor to life imprisonment. A statement obtained through violence shall have no value." These injunctions are respected in practice. Prisoners are treated humanely in Costa Rican prisons.

### d. Arbitrary Arrest, Detention, or Exile

Warrants are required for both searches and arrests; the Constitution requires that an arraignment take place within 24 hours of arrest. These requirements are strictly enforced. While convicted foreign terrorists and other non-Costa Ricans have been refused entry or expelled, it is unconstitutional to exile a citizen, and none has been.

### e. Denial of Fair Public Trial

The Costa Rican judiciary is widely recognized as fair and independent. Accused persons may select their own attorneys. Access to counsel is guaranteed with free public counsel provided for defendants without means. According to a study published in 1983 by the UN-affiliated Latin American Institute for the Prevention of Crime and the Treatment of Offenders, Costa Rica has the lowest percentage of detainees awaiting trial of 18 Latin American countries surveyed. The right to bail is provided for in law and is observed in practice.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There have been no reported instances of extra-legal invasions of privacy conducted by, or with the knowledge of, agencies of the Costa Rican Government over the past year.

## Section 2 Respect For Civil Rights, Including:

### a. Freedom of Speech and Press

The Constitution specifically guarantees freedom of speech and press, and these freedoms are fully respected in practice. Both communist parties publish weekly newspapers, and the media report news and information spanning the political spectrum. There are three privately-owned television stations and numerous radio stations which pursue independent editorial policies. The media freely air differences with and criticism of the Government. There is no evidence of either collusion or repression. Terrorist activities are fully covered.

Foreign journalists have protested the Costa Rican courts' refusal to recognize their credentials and allow them to practice their profession in Costa Rica. This issue, involving the Costa Rican National Journalists Association's right to accredit reporters, has been raised before the Inter-American Commission of Human Rights which decided in favor of the Costa Rican authorities.

### b. Freedom of Peaceful Assembly and Association

Constitutional guarantees of freedom of assembly and association are respected in practice. About 14 percent of the work force is organized into unions, primarily in the public sector and on banana plantations. Communist influence in organized labor remains strong. Procedures for collective bargaining and arbitration of labor disputes are prescribed in law and followed in practice. Unions can and do strike. In 1984, there were two major strikes in Costa Rica including a 72 day banana workers strike which proved to be the longest and costliest in Costa Rican history. The strike resulted in two workers' deaths by shooting and numerous injuries in two separate clashes between strikers and the Civil Guard. While accounts conflict, there is strong evidence that the authorities were provoked into firing. No criminal charges have been made. The other major strike involved the powerful teachers' association which, in addition to demanding salary increases for its own sector, called for a broad range of reforms, such as price freezes on basic products and utilities, affecting the more disadvantaged segments of Costa Rican society. Professional groups and associations also have the right to unionize and bargain collectively and have had a major role in representing middle income workers' interests in the political arena. The fastest growing labor movement in the private sector, however, known as Solidarismo, believes that labor/management relations should be non-confrontational and that strikes are counterproductive.

### c. Freedom of Religion

Freedom of religion is guaranteed in the Constitution and observed in practice. Roman Catholicism is the official state religion, but other religious groups have significant numbers of adherents, who participate without prejudice in all aspects of the social and political life of the nation. Foreign missionaries and clergy freely enter Costa Rica, and there are no restrictions on religious proselytization.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no unusual restrictions on traveling within the country or abroad. Costa Ricans and foreigners are free to live anywhere within the national boundaries. Costa Rica has supported multinational refugee programs and has accepted many thousands of displaced persons and refugees from other Central American countries as well as many Cubans and South Americans. The continuing large influx of Nicaraguan refugees has seriously strained national resources. Citizenship through birth or naturalization cannot be lost except by abandonment.

## COSTA RICA

The Government accepts responsibility for repatriating its own citizens. The Constitution specifically prohibits the Government from repatriating any non-Costa Rican who may be subject to political persecution in his own country. Costa Rica has traditionally afforded political asylum to dissident groups of various political orientations. The only recent challenge to Costa Rica's record in this regard occurred in the case of Ecuadoran citizen Rose Mireya Cardenas, whose return to Ecuador was protested by some Ecuadoran dissidents. However, extraordinary measures were taken by Costa Rican authorities to document that her return was voluntary. Indicative of the Costa Rican legal system's sensitivity on the right of asylum was its recent denial of a request from the Spanish Government for the extradition of an accused Basque terrorist. The latter was arrested in Costa Rica last year for his alleged involvement in an assassination attempt against anti-Sandinista leader Eden Pastora. The court refused to extradite on grounds that the charges pending against him in Spain were of a political nature.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for a free, open, and competitive electoral system. The integrity of elections is overseen by the independent Supreme Electoral Tribunal. No political party is outlawed or excluded from the electoral process; no party has dominated the affairs of the nation, nor is any eligible voter deterred from participating in elections. Virtually all segments of the population view with hostility any effort by any group, internal or external, to interfere with the free electoral process. Individual citizens can and do regularly petition their elected representatives for legislative redress and assistance with government bureaucracies.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

A strong supporter of international and private human rights organizations, Costa Rica has extended a permanent invitation to the Inter-American Human Rights Commission to visit whenever it wishes. Costa Rica was one of the earliest countries to ratify the American Convention of Human Rights and has accepted the jurisdiction of the Inter-American Institute of Human Rights Court, which is based in San Jose. It hosts the Inter-American Institute of Human Rights (IIHR). Costa Rican government officials at the highest level participate in and actively support the human rights activities of both the Institute and the Court. In 1984, several major international human rights conferences sponsored by the Institute were held in San Jose. Overall, Costa Rica has been in the vanguard in the promotion of human rights institutions. President Monge laid out the rationale for this policy in his opening address at a IIHR human rights course: "The complexity of human relations in modern societies compels us to give more attention to the practical operation of instruments for the protection of human rights, than to public declarations."

In its 1983-1984 report, Freedom House rated Costa Rica "Free." Amnesty International Report 1984, covering the year 1983, expressed concern about the cases, since closed, of persons held for periods exceeding those permitted by law prior to being tried.

# COSTA RICA

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Economic problems facing Costa Rica stem from the nation's vulnerability to changes in the prices of its major exports--coffee, bananas, and sugar -- as well as the nation's heavy importation of oil, raw materials, consumer durables, and foodstuffs, and its high level of external borrowing (both from public and private lenders). A government austerity program imposed in conjunction with a standby agreement with the International Monetary Fund (now being renegotiated) has succeeded in lowering the inflation rate, but at the cost of temporarily increasing hardships on large sectors of the population. Unemployment, officially calculated at 9.5 percent and unofficially at 15 percent, has been growing. Underemployment, affecting as much as 20 percent of the population, is particularly acute among recent university graduates who have grown increasingly frustrated over their inability to find employment in their fields of study. The steadily increasing number of refugees from Nicaragua has further aggravated the employment situation. In addition to the 12,000 refugees in Costa Rica receiving financial assistance from refugee relief organizations, the Government estimates there are 250,000 illegal aliens seeking to blend into the already overburdened economy. Despite its myriad problems, Costa Rica's per capita GNP of $1,279 was the highest in Central America in 1982. Economic progress, however, is not uniformly distributed; severe poverty exists in some outlying areas, while development has been most noticeable in the central plateau surrounding the capital of San Jose.

Increased population pressures and economic decline have greatly influenced peasant demands for agricultural land. Groups have been organized, in some cases with communist support, to invade both private and public lands. Squatting, although illegal, continues to be a major problem given the Government's inability to prevent the land invasions and implement an effective and equitable land reform system.

The population of some 2.6 million was growing at a rate of 2.5 percent in 1984, and life expectancy at birth is 73.7 years. The infant mortality rate is now 15.2 per 1000 live births. The country enjoys an adult literacy rate of over 95 percent in urban locales and 83 percent in rural areas; the adjusted primary school enrollment ratio in 1981 was over 105 for males and almost 103 for females. The 1977 figure for calorie supply as a percentage of requirements was 112.68

The role of women, although still primarily domestic, is not limited in Costa Rica. Women are represented in all professions, in the highest ranks of organized labor, in the private sector, and in the Government (occupying prominent positions in the legislature, as well as in the executive branch and the judiciary). Women and minority groups participate freely Costa Rica's elections.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: COSTA RICA

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 51.7 | 214.2 | 169.8 |
| LOANS.............. | 42.7 | 166.2 | 69.9 |
| GRANTS............. | 9.0 | 48.0 | 99.9 |
| A.AID ................. | 31.5 | 184.2 | 145.5 |
| LOANS.............. | 24.7 | 138.2 | 47.4 |
| GRANTS............. | 6.8 | 46.0 | 98.1 |
| (SEC.SUPP.ASSIST.)... | 20.0 | 157.0 | 130.0 |
| B.FOOD FOR PEACE....... | 19.1 | 28.2 | 22.5 |
| LOANS.............. | 18.0 | 28.0 | 22.5 |
| GRANTS............. | 1.1 | 0.2 | 0.0 |
| TITLE I-TOTAL.......... | 18.0 | 28.0 | 22.5 |
| REPAY. IN $-LOANS..... | 18.0 | 28.0 | 22.5 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 1.1 | 0.2 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.2 | 0.2 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.9 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 1.1 | 1.8 | 1.8 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 1.1 | 1.8 | 1.8 |
| PEACE CORPS...... | 1.0 | 1.7 | 1.8 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.1 | 0.1 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 2.1 | 4.6 | 9.1 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 2.1 | 4.6 | 9.1 |
| A.MAP GRANTS.......... | 2.0 | 4.5 | 9.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.1 | 0.1 | 0.1 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 53.8 | 218.8 | 178.9 |
| LOANS.............. | 42.7 | 166.2 | 69.9 |
| GRANTS............. | 11.1 | 52.6 | 109.0 |
| OTHER US LOANS.......... | 3.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 3.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 29.8 | 124.4 | 35.8 | 1048.0 |
| IBRD | 0.0 | 25.2 | 0.0 | 406.4 |
| IFC | 0.0 | 1.5 | 0.0 | 6.7 |
| IDA | 0.0 | 0.0 | 0.0 | 4.6 |
| IDB | 29.2 | 97.2 | 35.8 | 615.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 0.6 | 0.4 | 0.0 | 12.1 |
| OTHER-UN | 0.0 | 0.1 | 0.0 | 3.2 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## CUBA

Cuba is a Communist state ruled by one man and a handful of close collaborators, most of whom fought with him in the revolution that brought them to power 26 years ago. Together with the state, the Cuban Communist Party dominates all aspects of daily life, controlling the means of production and the distribution of all goods, as well as internal security, public communication, health and education. Internal security is under the direction of the Ministry of Interior, which operates border guards and several other police forces, regulates immigration, and maintains a system of neighborhood informers and block wardens known as the Committees for the Defense of the Revolution.

Cuba had an expanding, modernizing economy with a strong private sector and a growing middle class prior to the revolution; today scarcity is the hallmark of the Cuban economy and most basic necessities are rationed. Some consumer items are sold at extremely high prices in the government-run "parallel market" to absorb excess currency and inhibit black marketeering. There is no private sector, and inefficiency, absenteeism and low productivity characterize the state sector of Cuba's economy. As a result, people must wait in long lines for insufficient quantities of low quality foodstuffs and manufactured goods.

The capricious release of a number of political prisoners during 1984 brought confirmation of continued abuses of basic human rights by the Cuban Government, as well as the denial of fair public trial, the use of torture and other inhuman practices. Arrests continue, many political prisoners have been kept in jail after the expiration of their sentences, and defense lawyers have been arrested and sentenced to lengthy jail terms merely for having tried to defend Cubans accused of political offenses. There is no freedom of speech or press in Cuba, the practice of religion is highly restricted, and some Cubans are so desperate to leave the country that they have risked being shot to death by Cuban security personnel while trying to enter foreign embassies in Havana. Cuba has refused to allow representatives of outside human rights organizations to visit the country, and it continues to deny the flagrant violations of the most basic human rights.

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

After the Castro Government seized power in 1959, it promptly began a series of staged trials and summary executions of the regime's opponents. There are credible reports that the use of executions, as a way of discouraging political dissent, continues to this day. In 1983, a group of would-be trade union organizers were initially sentenced to death for trying to form a free trade union, while members of the Jehovah's Witnesses were executed for alleged crimes related to religious practices.

According to credible information sent out of Cuba in the summer of 1984 by the unofficial "Cuban Committee on Human Rights," 37 persons were executed by firing squads between

October, 1983 and May, 1984. The Committee also asserted that 131 individuals were condemned to death during the same period. Former political prisoner Jorge Valls Arango, who was released in 1984, has stated that he saw many executions during his more than 20 years in prison.

### b. Disappearance

When individuals are arrested by the Cuban secret police, the detainees' friends, neighbors and family members risk retribution if they dare to inquire about them. Rarely are persons accused and tried publicly; more common is a secret trial followed by unacknowledged sentencing. Sometimes the individual may be interrogated and released, often returning too frightened to tell anyone about the experience. A special category of Cubans--those who have emigrated, have become citizens of another country and then return to Cuba--are subject to a highly irregular type of disappearance. These dual nationals are not acknowledged as nationals of the second country by the Cuban Government, and if they are arrested when they visit Cuba, consular access to them is denied. If they disappear, the Cuban Government refuses to provide any information about them to authorities of their new homeland. Amnesty International's 1984 report on Cuba highlights the cases of long-term political prisoners Silvino Rodriguez Barrientos and Guillermo Casasus Toledo who were removed from their cells in Boniato Prison in 1983 by agents of state security and have not been seen or heard from since.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

A number of political prisoners released in June, 1984, provided first hand descriptions of the continuing Cuban use of physical and psychological torture, such as playing of high decibel tapes, continuous threats of death, and withholding of food, water and medical assistance. Basilio Guzman Marrero, who as a young man was active in the revolution against the Batista regime in the late 1950's, had spent 21 years as a political prisoner in Cuban jails. He described his ordeal to members of the University of Maryland student chapter of Amnesty International, describing the plight of a political prisoner arrested at the age of 12, who is now 32, and telling them that forced labor is common, as are beatings at the hands of sadistic guards. Another former political prisoner, Andres Vargas Gomez, has stated that brutality by guards resulted in broken arms and cracked skulls among political prisoners. Freed political prisoner Jorge Valls Arango described "all sorts of physical, psychological and moral violence exerted upon" political prisoners, including the putting out of a prisoner's eye with a bayonet. The Inter-American Human Rights Commission has repeatedly denounced the degrading treatment of political prisoners in violation of the American Declaration, deficient medical treatment, and the deplorable condition of the Cuban prisons.

In some Cuban prisons, prisoners are held in tiny cells or small drawer-like spaces. Fellow inmates disappear without explanation, and many are thought to have been executed. Political prisoners who refuse to agree to political indoctrination or to be classified as common criminals are known as "plantados," and are particularly abused within Cuba's prison system. They spend their days dressed only in pajamas or underwear, or naked. Visits are limited to one or two per year or less, and letters to one per month. Political prisoners are not routinely released at the end of their terms; instead they are freed at the whim of Fidel Castro, often to gain favor with an influential foreign visitor to Cuba. It is quite common for political prisoners to remain jailed after the expiration of lengthy (e.g., twenty years) sentences. Of the 26 political prisoners released in June, 1984, 21 had been incarcerated more than one year beyond the expiration of their sentences. The 1984 Amnesty International Report expressed that organization's main concern about the Cuban Government's "practice of not releasing long-term political prisoners who had completed their sentences."

### d. Arbitrary Arrest, Detention, or Exile

As noted above, arrests are sometimes made secretly, and people arrested for vandalism, practicing religion, or criticizing the regime are often charged with serious crimes such as sabotage and counterrevolutionary activities. In 1984, five youths ranging in age from 16 to 19 were sentenced to terms of up to five years in jail for writing "Viva Reagan" and "Viva U.S.A." on school walls. An American residing in Cuba, who expressed a personal opinion in a non-violent manner to a group of Cubans regarding Cuban activities in Grenada, was arrested, tried, found guilty, and sentenced to six years in prison for spreading "enemy propaganda." When the U.S. Government protested this harsh and unreasonable sentence, the Cuban Government rejected the protest and charged that the U.S. was attempting to interfere in the administration of Cuban justice.

Ricardo Bofill, a former political prisoner who was re-arrested in September, 1983, for attempting to discuss Cuban human rights abuses with visiting foreign journalists, was still in jail at the end of 1984. He has continued his human rights activities on behalf of fellow prisoners inside prison and he was able to smuggle letters out of jail to international human rights organizations detailing further examples of human rights abuses by Cuban authorities. At one time he was held in solitary confinement for 63 days in a dark, small cell after letters written by him were discovered by prison authorities. Bofill reportedly has been in ill health.

Once political prisoners are freed, sometimes they are forbidden from departing Cuba. For example, writer-diplomat Andres Vargas Gomez was forbidden to leave Cuba for one and one-half years following his release from prison.

### e. Denial of Fair Public Trial

Although courts are constitutionally described as "independent," in practice they are subordinated to the National Assembly of the People's Power and to the Council of State. All civil courts are presided over by a five-person panel of judges. Three are professionally qualified, and the other two are "workers representatives" who are there to see that the "interests of the revolution" are protected. People accused of certain counterrevolutionary activities are not given a public trial; rather, they are tried and sentenced secretly by military tribunals. Although defense lawyers are theoretically available to all defendants, their zeal is likely to be affected by the knowledge that some defense attorneys have been arrested and jailed simply for having defended those charged with political offenses. One of the lawyers who defended the labor organizers who were arrested in 1983 was sentenced to 19 years in prison in August, 1984.

There are no definitive figures as to the number of political prisoners in Cuba; groups such as Americas Watch and Amnesty International have put the number at between 250 and 1,000, while political prisoners released in June, 1984, contend that there are 144 long term political prisoners ("plantados") and that the total number of political prisoners could be as high as 10,000. The unofficial "Cuban Committee on Human Rights" has asserted that as of May, 1984, there were 390 prisoners of conscience and 800 persons held under the general charge of "dangerousness" (peligrosidad). There are indications that these figures are limited only to the prisoner population at Combinado del Este prison in Havana. One of the reasons that it is difficult to obtain precise figures on political prisoners is that Cuban law no longer distinguishes between criminal and political offenses.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Few aspects of an ordinary Cuban's private life are free from state surveillance. Telephones are monitored, mail is opened, and one's comings and goings are monitored by block wardens who form part of the neighborhood Committees for the Defense of the Revolution (CDR). Members of these committees carry out night-time neighborhood guard service on a "voluntary" basis, and in addition to observing the movement of people in the neighborhood, they also watch out for conspicuous consumption or other signs which might suggest involvement in black market activities. Meetings, parties, and other gatherings are subject to particularly intense scrutiny. Listening to foreign radio and television broadcasts is discouraged. A shrill hum is transmitted to interfere with Voice of America broadcasts in the Havana area, and some Miami radio stations are also jammed. CDR members are effective in monitoring neighborhood listening and viewing habits. Non-communist foreign periodicals are rarely permitted to circulate in Cuba.

Family life is complicated in Cuba, with severe housing shortages, rationing, and strong pressures to participate in "voluntary" Communist party-related activities. Parents believe that teaching their children religious practices, even in the privacy of their homes, will inhibit the child's ability to attain the type of schooling or work he may desire. Nearly all families are coerced into sending their teen-aged children on 45-day stints of "voluntary work" in rural areas. The children are kept in camps, where they are indoctrinated with Party ideology and encouraged to inform on their parents and friends.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

There is no freedom of speech and press in Cuba; all means of communication are owned and controlled by the state. The newspapers are published by the Cuban Communist Party, the government-run labor federation, and other state entities. Intellectual freedom in Cuba is limited to creative expressions that are consonant with what the Government deems to be the best interests of the state. Foreign news from non-Communist sources is not available, and foreign embassies are forbidden to circulate any materials critical of Cuba or any other socialist state. Released political prisoners such as poet Armando Valladares and Jorge Valls Arango have provided eloquent commentary on the lack of intellectual, artistic and academic freedom in Cuba.

### b. Freedom of Peaceful Assembly and Association

Freedom of assembly and association are not guaranteed by the Constitution. Any group meeting is likely to be monitored by the CDR or representatives of state security. Nearly all associations are government-controlled; the few private ones which exist are allowed to do so only at the sufferance of the Government. All labor unions are controlled by the state and the Cuban Communist Party. There is no collective bargaining and the right to strike is not recognized.

In its 1984 report, the International Labor Organization's Committee of Experts noted that under Cuba's penal code habitual vagrants may be interned in specialized work establishments or workshop schools or sent to labor collectives for periods of up to four years as a "predelinquency security measure." The Committee observed that the law, which might be used as a means of direct or indirect compulsion to work, should be amended so as to bring it into conformity with the Convention on Forced Labor.

### c. Freedom of Religion

Although the Constitution asserts that there is freedom of religion in Cuba, the practice of religion is actively discouraged. CDR members monitor activity at the few neighborhood churches which are still open, forcing churchgoers to attend large downtown churches where they can be more anonymous. Children who admit going to church are ridiculed by their peers, and participation in Communist youth activities is strongly encouraged as an alternative to organized religion. Church-sponsored day schools are not permitted.

Religious groups must register with the Cuban Government and all requests for foreign travel by clerics must be approved by the Ministry of Interior; membership in the Jehovah's Witnesses is prohibited and persons identified with the denomination are denied permission to travel abroad. Some foreign-born priests and missionary nuns are reluctant to leave Cuba for holiday or medical treatment for fear that they will not be permitted to re-enter the country. Religious belief is not compatible with membership in the ruling Cuban Communist Party.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

While movement within the country is unrestricted by law, in practice it is limited by inadequate transportation and lodging facilities. It is difficult to change one's place of work, owing to housing shortages and the need to transfer ration books, which are usually issued on the basis of a family "nucleus" living together. There is no freedom to travel abroad; permission is required both to exit Cuba and to re-enter the country. Permission for tourist travel is rarely granted to those under the age of 60. Permission must also be sought to emigrate, and while waiting for an exit visa, an applicant is likely to lose his job, and may well lose his housing and even his ration book, and find his children refused schooling. Persons who leave Cuba permanently must leave behind almost all their personal and household possessions and are forced to pay discriminatorily high air fares; their relatives abroad are charged excessive fees for documents in order to obtain permission for them to depart.

As an example of how desperate people become to leave Cuba, at least two young Cubans were shot to death and a third clubbed and arrested by Cuban police guarding the Venezuelan Embassy in separate instances in early 1984 when the youths attempted to gain entry to the embassy for the purpose of seeking political asylum and the opportunity to leave the country.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Cuba is a Communist state controlled by the hierarchy of the Cuban Communist Party. Members of the Central Committee and the Politburo are selected by party rulers; "elections" are meaningless exercises which simply ratify choices already made. The National Assembly of People's Power meets briefly twice a year but simply rubber stamps its approval of decisions already made by the party rulers. No opposition is permitted in Cuba; dissidents are either in jail or outside the country. There is no way for citizens to act to change the Government, which is one reason why so many Cubans have already fled their country and many others would do so if they had the chance.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Cuban Government routinely denies that any violations of human rights occur in the country, and it refuses permission for any outside organization to investigate human rights violations in Cuba. The Cuban Government refused to permit investigators from the Inter-American Human Rights Commission to visit Cuba, and it told the International Labor Organization (ILO) that "no one in Cuba is under arrest for trade union or labor activities." Unable to obtain further information from the International Confederation of Free Trade Unions (ICFTU), the ILO's Committee on Freedom of Association was obliged in 1984 to drop further consideration of an ICFTU complaint alleging the arrest and imprisonment of striking Cuban workers, and workers trying to organize an independent trade union. Although the International Committee of the Red Cross (ICRC) was helpful to Cuba in arranging the repatriation of Cuban nationals from Grenada in November, 1983, the ICRC has been refused access to Cuban jails or permission to visit political prisoners in Cuba, as has Americas Watch and Amnesty International. The few human rights activists in Cuba who are not in jail are forced to carry out their activities clandestinely, and they must rely upon international non-governmental organizations outside of Cuba for support and publicity.

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Cuba was one of the relatively more developed countries in

Latin America in the 1950's, and thus the Castro regime had a rather well-developed infrastructure to build upon. Cuba's population of 9,985,000 is growing at an annual rate of 1.1 percent, life expectancy at birth is now 74.7 years, and the infant mortality rate is 20.5 per thousand. The adult literacy rate in 1979 was 95.7 percent for males and 95.1 percent for females. In 1975, 96 percent of the urban population had access to safe water, while in 1970 only 10.9 percent of the rural population had enjoyed the same conditions. Reflecting the emphasis given by the Government to education, which includes a massive campaign to have all adults attain a ninth grade education, the adjusted primary school enrollment (1981) as a percentage of children of primary school age (i.e. of children between 6 and 11 years old) is 113.66 percent for males and 108.97 percent for females.

Cuba's economy is centrally planned in the Marxist-Leninist style, and it receives a vast amount of economic assistance from the Soviet Union, estimated at over $4 billion annually. Notwithstanding such assistance, there are scarcities of many basic necessities, and items such as rice, beans, meat, clothing and shoes are rationed. Some rationed items and other consumer goods are available at very high prices (e.g., $110 for a pair of tennis shoes) on the government-operated "parallel market" which absorbs excess currency and counteracts black market activities. Minimum needs seem to be met, however, since the caloric supply as a percentage of average requirements in 1977 was 114.07 percent.

Although Cuba has constitutionally outlawed discrimination against women and minorities, few women hold high positions in government, despite publicly-proclaimed efforts of the Cuban Communist Party to promote them. Of the 225 full and alternate members of the Central Committee selected in December, 1980, 18 are women. One politburo member, an alternate, is a woman (a sister-in-law of Cuban President Fidel Castro). One woman has reached the rank of colonel in the Cuban Armed Forces (she is the wife of a key member of the Secretariat of the Communist Party). Although women make up 35 percent of the work force, there is no woman on the National Committee of the Cuban Labor Confederation.

Blacks and other minorities are poorly represented in the top levels of government. While they comprise more than one quarter of the population (a greater percentage if mulattoes are included), their representation on the Central Committee (full and alternate members) is about 10 to 15 percent. Only one of the members (full and alternate) of the Politburo is black.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: CUBA

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.AID ................. | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.0 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 7.7 | 1.3 | 0.0 | 41.9 |
| IBRD | 0.0 | 0.0 | 0.0 | 0.0 |
| IFC | 0.0 | 0.0 | 0.0 | 0.0 |
| IDA | 0.0 | 0.0 | 0.0 | 0.0 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 7.7 | 1.1 | 0.0 | 37.7 |
| OTHER-UN | 0.0 | 0.2 | 0.0 | 4.2 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

# DOMINICA

Dominica is a member of the British Commonwealth, with a system of parliamentary democracy which is a legacy of the pre-1978 British colonial rule. The Prime Minister, Eugenia Charles, was democratically elected in July 1980. A period of political instability, including two armed attempts to overthrow the Government, marked the first year of her tenure, but recently the political atmosphere has calmed. The Charles Government now enjoys broad support, although the opposition is vocal in criticizing the slow progress of economic development. Prime Minister Charles played a visible role as Chairperson of the Organization of Eastern Caribbean States during the Grenada crisis.

Dominica is one of the least developed countries in the Eastern Caribbean. The country has largely recovered from hurricane damage suffered in 1979 and 1980 allowing the Charles Government to focus on encouraging foreign investment and, with the assistance of external donors, to rehabilitate basic economic infrastructure. Slow global recovery from the worldwide recession of the early 1980's has further hampered economic progress and the Government's attempt to develop the country.

The only security force in the country is the police. A Special Service Unit has been organized as a branch of the police, and the police force has also established a marine wing to function as a coast guard. The military was disbanded in 1981 following several violent coup attempts.

Dominica continues to have a good human rights record. There have been no reports of significant violations of human rights in 1984.

## Section 1 Respect for the Integrity of the Person, Including Freedom from:

### a. Political Killing

There have been no reports in 1984 of killing for political motives.

### b. Disappearance

There have been no reports of disappearance in 1984.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There have been no reports of torture or cruel, inhuman, or degrading treatment or punishment in 1984. Jones Sampson, one of the six soldiers convicted of murder of a policeman during the 1981 coup attempt, began a hunger strike in prison in September, according to press articles. These articles have also reported that the Dominican Home Affairs Minister stated that the Government had no intention of force-feeding Sampson but would continue to monitor the situation, provide for regular visits by doctors and continue to offer him food.

### d. Arbitrary Arrest, Detention, or Exile

The Constitution provides that anyone arrested shall be brought before a court within 72 hours, and this is honored in practice. The Dominican government abides by the constitutional provisions on arbitrary arrest and imprisonment. There have been no reports of arbitrary arrests, other forms of detention, or summary exile in 1984.

### e. Denial of Fair Public Trial

Dominica provides for public trials before an independent and impartial court. There is a presumption of innocence and defendants are allowed legal counsel. An appeal can be made if it is believed that these judicial rights have been violated.

Former Prime Minister Patrick John remains free pending a Privy Council decision on his appeal from a 1982 West Indies Associated States Court of Appeal order that he be tried for coup plotting in 1981.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits arbitrary entry and search. There have been no reports of the state's arbitrary intrusion into the private life of the individual.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The Government affirms the right of free expression, which is provided in the Constitution. The opposition press freely criticizes the Government without interference.

### b. Freedom of Peaceful Assembly and Association

The freedom to assemble peaceably is honored without exception. Opposition groups hold rallies and meetings without hindrance from the Government. Labor has the right to organize and conduct strikes. Labor unions are independent but are small in number and do not constitute a significant political force. The Banana Growers Association is a strong trade association which does play a significant independent political role.

### c. Freedom of Religion

Dominicans are primarily Roman Catholic or Anglican. There is also a small Muslim community. No restrictions are enforced against any religious group, including the Rastafarians, although the 1979 "Dread Act" which prohibits membership in the Rastafarian cult is still in force.

### d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

These rights are guaranteed in law and honored in practice.

## Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

Dominica has a freely elected parliamentary system of government in which citizens have a real choice of policies and candidates from the ruling and opposition parties. In the 1980 elections, the ruling Dominica Freedom Party won 17 seats in the House of Assembly; the Democratic Labour Party and independents each won 2 seats.

## DOMINICA

### Section 4 Governmental Attitudes Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Government is responsive to complaints about any human rights violations.

There are no branches of international human rights organizations in Dominica. The Dominica National Workers Union's human rights committee, a Marxist-Leninist organization, occasionally has published allegations of human rights violations in Dominica. The committee's most recent allegation, in 1983, was that the death of Eustace Bobb was caused by the police. The police have denied this and provided details of an inquest which strongly indicate that Bobb was murdered by members of the Rastafarian movement, with which he was closely identified.

Freedom House again listed Dominica as free on its 1984 "Map of Freedom." Dominica is not mentioned in the 1984 Amnesty International Report.

### ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Dominica is a small and poor country with a population of 74,000 people and a high emigration rate. The 1984 population growth rate was minus 0.2 percent. The country relies heavily on banana exports and subsistence agriculture. Its estimated per capita Gross National Product was $707 in 1982 and is among the lowest in the region.

The Government places significant emphasis on education. With the assistance of external donors, it has rebuilt many primary schools which recent hurricanes had destroyed. Adult literacy is estimated to be 94.1 percent.

The Government has made a concerted effort to improve health care through the construction of public health clinics. A major restructuring of the public health administration has improved the level of service in rural areas. At 15.2 per thousand live births, Dominica has one of the lowest infant mortality rates in the Eastern Caribbean.

There are no legal restrictions on the role of women in Dominican society. Past tradition, where women were limited to the home and family, is rapidly being overcome. Improvement in educational opportunities for women and the example set by Prime Minister Eugenia Charles are expected to lead to greater participation of women in public life.

Freedom House stated in its most recent report that "the rights of the native Caribs may not be fully respected."

# DOMINICAN REPUBLIC

The Dominican Republic is a constitutional, multiparty democracy with an elected President and bicameral legislature. The Supreme Court heads an independent judiciary whose members are appointed by the Senate. President Salvador Jorge Blanco's four-year term began in August 1982.

The Dominican Republic went through periods of harsh tyranny before and during the dictatorship of Rafael Trujillo from 1930 to 1961. Political turmoil followed Trujillo's assassination, leading to a civil war and U.S. military intervention in 1965. Joaquin Balaguer won an open, competitive election in 1965, but the opposition refused to participate in the 1970 and 1974 elections. In 1978, the country had its first peaceful transfer of power from one elected government to another, and free and fair elections were held again in 1982.

The Dominican Republic is a middle income, developing country with an economy based primarily on agriculture and services. Partly as a result of the Trujillo legacy, the Government accounts for 20 to 25 percent of the Gross Domestic Product and controls several major industries. The national income is unevenly distributed, but there is a significant growing and vigorous middle class.

During 1984 Dominicans continued to exercise the broad range of human rights guaranteed them under the 1966 Constitution. During late April, violent protest demonstrations in the capital and several interior towns were controlled by security forces in actions which left over 60 people dead and several hundred wounded. The disturbances were a reaction to austerity measures implemented by the Government to cope with a severe economic crisis. On that and subsequent occasions, the Government detained Communist political leaders as well as labor leaders on the grounds they were actively planning further illegal protest actions. Those detained were routinely released within the 48-hour constitutional limit for detention without charges.

Despite the violence of the April disturbances and the Government's continued commitment to its economic program including implementation of additional adjustment measures, the political climate remained open. Public debate on the merits of the Government's policies was unrestricted, and political groups continued their organizational activities in expectation of the 1986 elections.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

There were no known instances in 1984 of the killing of persons because of their political views. In April, discontent over sharp price increases and deteriorating economic conditions led to widespread violent disorders. Three days of disturbances left 60 to 80 people dead and two to three hundred people injured. Most deaths occurred when police and military fired on looters. During a protest demonstration over textbook price hikes at the Autonomous University of Santo Domingo on August 24, one student was killed and six were injured in confrontations with the police. The national police, following an extensive investigation by a special commission, arrested and formally charged a police lieutenant with the student's death.

b. Disappearance

There were no reports of disappearances in 1984.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution specifically prohibits torture, and torture is not practiced. However, there have been reports of abusive treatment of prisoners. The press routinely reports these and any other abuses of police authority. In most instances, the Government is quick to redress any improper behavior by its forces. Eight members of the national police were disciplined by the chief of police for using excessive violence during the August student demonstrations. A police colonel who shot a motorcyclist during the tense calm following the increase in late August in the price of gasoline and petroleum derivatives was retired from the police force. The motorcyclist had been shot for failing to heed an order to stop.

The inadequately financed prison system suffers from unsanitary conditions and overcrowding. The overcrowding results in part from the slowness of the judicial process under which many prisoners remain in custody while awaiting trial. Prisoners and their families have access to the press, which contributes to deterring cruel, inhuman, or degrading punishment and pressures the Government to take corrective action.

Despite financial constraints, the Government has taken some steps to improve the prison situation. Penal and judicial authorities are devising measures to streamline and accelerate the trial process in order to release prisoners more quickly from the system and relieve overcrowding. In 1984 the Government introduced major penal reform legislation in the Congress.

d. Arbitrary Arrest, Detention, or Exile

There are no known cases of political prisoners being held in Dominican jails. On several occasions in mid-1984, following the April disorders, the Government detained hundreds of members of radical leftist parties, labor organizations, and the campesino movement alleging that they were instigating public disturbances in protest over anticipated gasoline price hikes. Those so detained were routinely released within 48 hours, which is the period that suspects may legally be held for purposes of investigation before arraignment.

There appears to be no evidence of policies or practices of forced labor, although isolated incidents may occur involving Haitian canecutters employed in the country's sugar industry. The Haitian canecutters can quit their jobs and are free to leave the plantations. But those who are illegal residents and those under contract to the National Sugar Council who have abandoned their jobs are subject to deportation. They are not forcibly returned to the fields. While experienced canecutters have no problem in earning the Dominican minimum wage, those who do not meet minimum production standards may be returned to Haiti by the Sugar Council.

## DOMINICAN REPUBLIC

### e. Denial of Fair Public Trial

The Constitution guarantees a public trial. There is no special court for political or national security cases. Civilians may not be tried by a military court nor members of the armed forces by civilian courts. The appeals procedure, which includes appellate courts and the Supreme Court, is widely utilized. Court-appointed lawyers are provided at public expense to indigents only in criminal cases. They are seldom provided in criminal misdemeanor cases where it is at the court's discretion to do so or not. Prosecuting attorneys are appointed by the executive branch. While the 48 hour limit on detention without arraignment is not scrupulously enforced in common criminal cases, defendants are generally charged very soon after arrest. The charges are clearly stated and made available to the defense counsel.

Judges are selected by the Senate and are independent of the executive branch but subject to removal or transfer by a majority vote in the Senate. Their terms of office correspond to that of the President and other elected officials, ending on the last day of the incumbent administration regardless of date of appointment. Judges have displayed independence in their actions and have not been used to persecute opponents of the administration. However, judges earn a relatively low salary, and the fairness and speediness of some trials have been subject to influence and manipulation, with public allegations that some judges have accepted bribes.

The Government has proposed constitutional reforms aimed at making the judiciary more independent from political pressures and less vulnerable to bribery. There is widespread agreement with this goal, but differences exist between the legislative leadership and the executive branch on the best way to achieve it.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There have been no reports of arbitrary governmental interference with the private lives of individuals or families. Constitutional safeguards against invasion of the home are normally observed. A residence may not be searched unless the search is made in the presence of a prosecutor or an assistant prosecutor, except in cases of "hot pursuit" or when there is a probable cause to believe that a crime is actually occurring within the residence.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

These liberties are guaranteed by law and respected. Dominican newspapers are privately owned and are rated by the Interamerican Press Association as among the freest in the hemisphere. The numerous privately owned radio and television stations air almost all political points of view, as does the Government-owned radio and television network. Moreover, there is a frequent exchange of views between the Government and all media elements.

There is no Government censorship on political grounds. However, there have been cases in which the Government has taken action against media elements. On March 26, 1984, a privately owned radio station identified with the opposition Reformista Party was closed by the telecommunications board because the station erroneously reported that students from the Autonomous University of Santo Domingo had thrown rocks at President Jorge Blanco's motorcade. Following private discussions between the President and the owner of the radio station, the station resumed broadcasting on July 9. Four stations which were closed during the April disturbances on the grounds that they had incited violence were reopened during the first week in May. While customs authorities from time to time confiscate pro-Communist literature, books of all political persuasions are readily available for public sale. University autonomy and academic freedom are respected by the Government.

### b. Freedom of Peaceful Assembly and Association

Freedom of peaceful assembly and association are guaranteed by the Constitution. Outdoor public meetings require official government permits which are routinely granted. Throughout 1984 there were numerous such gatherings of parties and groups of diverse political orientations. Likewise, indoor gatherings of political parties, labor unions, and other associations are unrestricted.

Labor unions have not historically played a significant role in the Dominican Republic, and only 12 percent of the labor force is organized. In the first year of the Jorge Blanco administration, however, over 70 new unions were officially recognized and over 50 collective bargaining pacts were negotiated. Two-thirds of the labor movement is included within the four main labor confederations, but the confederations exercise only a limited degree of control over their affiliates. The largest labor confederation is the General Union of Dominican Workers, which is affiliated with the governing Dominican Revolutionary Party, a member of the Social Democratic Socialist International.

Approximately 30 percent of the Dominican labor union movement is Communist controlled or influenced. The politically affiliated labor organizations frequently pursue partisan political objectives rather than workers' economic demands. The Government has on occasion briefly detained labor union leaders in order to stop strikes or other labor actions it considered illegal.

The continued deterioration of the nation's economy has hampered the growth of organized labor. Unions have the right to negotiate and go on strike, even though they operate under the handicap of a dated labor code written during the Trujillo dictatorship that gives unions few rights vis-a-vis management. For example, there is no effective protection for organizers or union officals. The current administration has however given unions more leeway under the existing legislation than previously and has initiated legislation to modernize and enhance universally recognized labor rights in a revised labor code.

Professional organizations of lawyers, doctors, journalists, etc., function freely. Like the unions, these organizations are free to maintain relations with counterpart international bodies of diverse political philosophies.

### c. Freedom of Religion

Approximately 95 percent of the population is Roman Catholic. The Church's preeminent position is accepted by the populace at large and is recognized in the Concordat between the Dominican Republic and the Holy See. Discrimination on racial, religious, or ethnic grounds is prohibited by the Constitution. There are no religious requirements to hold public office, no restrictions on the practice of other religious faiths, and no social discrimination based on religion.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no unusual restrictions on travel within or outside the country. Many political exiles returned to the country after a 1978 amnesty, but a legal ban on the return of certain members of the Trujillo family still exists.

The status and treatment of Haitians living in the Dominican Republic has been criticized by the press and the public, both in the Dominican Republic and abroad. The Haitian community of approximately 500,000 is composed mainly of illegal immigrants seeking employment and better living conditions. This figure also includes about 400 individuals, mostly opponents of Haitian President Duvalier and deserters from the Haitian armed forces, who have received "political refugee" status from the Dominican Government. The illegal immigrants are routinely deported under Dominican immigration law, while those seeking political refuge are not repatriated if the Government determines that they have a legitimate fear of persecution. Some individuals have been deported for failing to obey the provision in the Dominican Constitution that foreigners should not engage in political activity directed against another country. Anti-Duvalier Haitians, when expelled, are sent to countries other than Haiti.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Dominican Republic is a functioning democracy in which governments are freely elected by the citizens. Opposition groups of the left, right, and center are allowed to operate freely. The change in ruling parties brought about in the 1978 elections, and the free and fair elections held in 1982, demonstrate the established right of citizens to change their government via the ballot box. The ample participation of the opposition Reformista Party and the pro-Cuban Dominican Liberation Party in the independent Dominican legislature has strengthened the climate for political participation. Political parties, other political movements, and the national organization for administration of elections have begun activities in preparation for the 1986 elections.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Dominican Republic participates actively in international and regional human rights bodies and supports human rights issues in international forums. In February 1984, it was host to the meeting of the Human Rights Committee of the Latin American Parliament. The Dominican Republic has ratified the

International Convention on the Elimination of All Forms of Racial Discrimination, and it is a party to the International Covenant on Economic, Social, and Cultural Rights, the International Covenant on Civil and Political Rights, and the Convention on the Elimination of All Forms of Discrimination Against Women.

International human rights organizations have been allowed free access to the country. The Government has cooperated fully with the investigation into the sensitive subject of the treatment of Haitian refugees and migrant workers.

Local organizations which freely report and comment on those human rights violations which do occur include the Dominican Union of Solidarity with Latin America, the Ecumenical Center for Human Rights, and the Dominican Union for the Defense of Human Rights. The major allegations of these organizations in 1984 were that the Government used excessive force during the April disturbances and that the detention of leftist and labor figures at that time was a means of harassment rather than investigation. The Government has not harassed these organizations for their criticism of official actions or policies. The latest Freedom House report rated the Dominican Republic "free." The Amnesty International Report for 1984 did not comment on the Dominican Republic.

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The Dominican Republic is a poor country with a population of approximately 6.2 million and an estimated annual population growth rate of 2.8 percent. Half of the population is under 16 years of age. The low price of sugar, the country's principal export, and the high cost of energy imports have seriously hurt the economy. Unemployment, now estimated between 25 and 30 percent, is on the increase as economic growth has slowed and more individuals enter the labor market. At least another 20 percent of the labor force are believed to be underemployed. Poverty is widespread. Per capita income is estimated to be 1,365 pesos per year. Although the official exchange rate is one U.S. dollar equals one Dominican peso, the parallel exchange rate, which more accurately reflects the value of the peso, is approximately three to one. At the latter rate, per capita income is 455 dollars per year.

Per capita calorie consumption meets minimum requirements, but only a little over half of the population enjoys access to potable water. Health conditions are poor, particularly in the rural countryside. Life expectancy at birth is 61.4 years, and the infant mortality rate is 78 per 1,000 live births. Primary school enrollment is claimed to be over 90 percent, but some observers estimate the rate to closer to 75 percent. The literacy rate is 67 percent. In 1984, major vaccination and literacy campaigns were continued by the Government in order to attack some of these problems.

While sexual and racial discrimination are prohibited by law, women have not traditionally shared equal social and economic status with men. Women's political rights have been recognized in legislation since 1942. Forty-seven percent of registered voters are women, and women hold both elective and appointed offices in the Government. The Jorge Blanco administration has established an office to encourage the advancement of women, and in 1983 the United Nations

## DOMINICAN REPUBLIC

International Research and Training Institute for the Advancement of Women set up its headquarters in Santo Domingo. Divorce is easily attainable by either party, and women can hold property in their own names apart from their husbands.

There is subtle social discrimination against darker skinned Dominicans, although this has not prevented their success in a variety of fields. Dominicans, for historical reasons and because of sharp cultural differences, are in general strongly prejudiced against Haitians. This prejudice carries over to the minority in the population who are Dominicans of Haitian descent. Cultural creativity and freedom are widely respected and allowed to flourish.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
## (U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: DOMINICAN REPUBLIC

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 82.3 | 63.2 | 98.2 |
| LOANS.............. | 72.5 | 52.4 | 85.3 |
| GRANTS............. | 9.8 | 10.8 | 12.9 |
| A.AID .................. | 60.0 | 34.6 | 64.4 |
| LOANS.............. | 56.3 | 29.4 | 56.8 |
| GRANTS............. | 3.7 | 5.2 | 7.6 |
| (SEC.SUPP.ASSIST.)... | 41.0 | 8.0 | 34.0 |
| B.FOOD FOR PEACE....... | 19.3 | 25.3 | 31.3 |
| LOANS.............. | 16.2 | 23.0 | 28.5 |
| GRANTS............. | 3.1 | 2.3 | 2.8 |
| TITLE I-TOTAL.......... | 16.2 | 23.0 | 28.5 |
| REPAY. IN $-LOANS..... | 16.2 | 23.0 | 28.5 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 3.1 | 2.3 | 2.8 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 3.1 | 2.3 | 2.8 |
| C.OTHER ECON. ASSIST... | 3.0 | 3.3 | 2.5 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 3.0 | 3.3 | 2.5 |
| PEACE CORPS...... | 2.2 | 2.2 | 2.3 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.8 | 1.1 | 0.2 |
| II.MIL. ASSIST.-TOTAL... | 5.5 | 6.6 | 6.4 |
| LOANS.............. | 4.0 | 5.0 | 2.5 |
| GRANTS............. | 1.5 | 1.6 | 3.9 |
| A.MAP GRANTS.......... | 1.0 | 1.0 | 3.2 |
| B.CREDIT FINANCING.... | 4.0 | 5.0 | 2.5 |
| C.INTL MIL.ED.TRNG.... | 0.5 | 0.6 | 0.7 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 87.8 | 69.8 | 104.6 |
| LOANS.............. | 76.5 | 57.4 | 87.8 |
| GRANTS............. | 11.3 | 12.4 | 16.8 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 91.2 | 168.4 | 118.9 | 1228.0 |
| IBRD | 25.4 | 7.1 | 3.8 | 296.3 |
| IFC | 0.0 | 10.5 | 0.0 | 26.1 |
| IDA | 0.0 | 0.0 | 0.0 | 22.0 |
| IDB | 61.9 | 150.0 | 113.7 | 850.8 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 3.9 | 0.8 | 0.0 | 25.7 |
| OTHER-UN | 0.0 | 0.0 | 1.4 | 7.1 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

# ECUADOR

Ecuador has been a functioning multiparty democracy since 1979, when constitutional government was restored after seven years of military rule. Since the return to democracy, the Government has vigorously upheld the principles of representative rule and respect for civil liberties established in the Constitution, and international human rights organizations have praised Ecuador for its achievements. In 1984 Ecuador held national elections, the results of which were widely accepted as representative of the popular will.

The President exercises control over the police through the Ministry of Government. Local human rights organizations have focused attention on reports of police and military brutality, on poor prison conditions, and on alleged violations of human rights of rural inhabitants and Indians involved in land disputes.

Many problems which Ecuador confronts in maintaining uniformly high human rights standards are attributable to the society's relatively low level of economic development, scarce resource base, wide income inequities, and lack of education and training on the part of law enforcement officials.

On March 27, 1984, in accordance with constitutional provisions, then-President Osvaldo Hurtado declared a state of emergency in Esmeraldas and Napo provinces in response to major anti-government demonstrations which threatened Ecuador's strategic petroleum sector. The state of emergency lasted only 11 days, during which time a nightly curfew and restrictions on public assembly were in effect.

Except for instances of mistreatment of detainees and prison inmates, which the Government does not condone, there were no substantiated cases of major human rights violations in 1984.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

There were no reports in 1984 of killing for political motives. In March the Supreme Court declined to review its 1983 decision absolving the police of responsibility for the deaths of two workers during an illegal factory occupation. Local human rights organizations have occasionally published accounts charging government complicity in the deaths of campesinos or Indians allegedly killed during land disputes. Official investigations into such incidents have failed to confirm the allegations.

#### b. Disappearance

No instances of official abduction or disappearance were recorded during 1984.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and inhuman or degrading treatment are prohibited under Ecuadorean law and happen only rarely. Charges of police brutality have occasionally resulted in administrative or judicial action against the perpetrators. A press report in February that 21 Peruvian nationals had been arrested and tortured in the Ecuadorean city of Machala was denied by government officials of both countries. The June 1984 arrest for bank robbery of 14 members of the clandestine Alfaro Vive (AVC) terrorist group was followed by allegations of torture by the group's defense lawyer. In addition, the defense lawyer for another AVC member, arrested upon her voluntary repatriation from Costa Rica in August, charged publicly that she had been tortured while in custody and illegally extradited. Ecuadorean and Costa Rican government authorities have denied these charges, and local human rights groups have given little credence to the allegations.

Limited economic resources account for the generally poor quality of prisons. Cells are frequently overcrowded and lack adequate ventilation, light, and sanitary facilities. Food quality is considered poor, and rehabilitation programs are nearly non-existent. Prison authorities punish inmates for disciplinary reasons. While contrary to government policy, beatings and solitary confinement do occur. Poor prison conditions occasionally provoke hunger strikes among the inmates. In practice, prisoners with money can pay officials to avoid punishment or obtain better living conditions. Some prisoners can qualify for such privileges as day passes, conjugal visits, and the right to establish a business within the prison.

### d. Arbitrary Arrest, Detention, or Exile

Preventive detention is illegal, and the criminal code forbids isolated confinement for more than 24 hours and detention without charge for more than 48 hours. In some instances, however, people have been held beyond these time limits. Mayors and municipal council presidents are constitutionally empowered to grant habeas corpus. In practice, habeas corpus and bail are granted liberally, irrespective of the severity of the charges. Forced exile is not practiced.

The judicial system suffers from a chronic case backlog, resulting frequently in prison stays of up to two years for detainees awaiting trial. It is reliably estimated that 70 to 80 percent of the prison population has not yet been convicted of any crime. Much of the overcrowding of prisons is thus attributed to the large number of suspects awaiting trial. Time spent in prison awaiting trial counts toward completion of the final sentence. Some long-term detainees have eventually been found innocent.

### e. Denial of Fair Public Trial

Defendants have the right to counsel, to face their accusers, to refrain from testifying against themselves, and to appeal their sentences to intermediate courts and to the Supreme Court. Although a public defender system is mandated in the Constitution, this provision has never been implemented. The lawyers' associations of Guayaquil and Quito recently took steps to establish privately supported legal assistance programs.

The National Congress elects the Supreme Court and has the power to impeach judges, fix the judicial branch budget, and ratify the Supreme Court's judicial review decisions. The Supreme Court appoints civil and criminal judges. Beginning in September 1984 the judicial branch became the subject of a political clash between the Febres-Cordero administration and the opposition controlled legislature. The controversy centered on Congress' constitutional authority to shorten the Supreme Court's term of office and led to two courts--one old and one new--claiming constitutional legitimacy. The dispute was resolved in December when both courts resigned, allowing for the selection of a new court acceptable to both the executive branch and its congressional opposition.

Judges play a central role in investigations as well as in deciding guilt or innocence. There is no trial by jury. Legal investigations as well as prosecutions are carried out by the Attorney General, Solicitor General, and provincial prosecutors. These judicial branch officials defend state interests in criminal and civil cases, receive complaints against judges, conduct fiscal inspections of lower courts, and provide often influential legal opinions to all court cases.

Most judges and law enforcement officials are seriously underpaid and thereby susceptible to corruption. In addition they are hampered by an unmanageable backlog of cases and lack of technical and budgetary means to conduct thorough investigations. Several judicial branch spokesmen have complained that recourse to multiple levels of appeal has often resulted in excessive reversals of lower court convictions. The judiciary maintains its independence from the executive branch.

The Autonomous Constitutional Guarantees Tribunal, consisting of representatives of the Presidency, Congress, judiciary, municipalities, and business and labor sectors, may investigate charges of constitutional or human rights violations. The Tribunal reviewed and found constitutional the President's March 1984 decree of a state of emergency in Esmeraldas and Napo provinces. Military courts are empowered to try only those cases involving acts against military installations and infractions of military regulations.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government respects the sanctity of the home and privacy of correspondence. The law requires police to have a warrant before entering a home except in case of hot pursuit and, in most instances, legal requirements are respected in practice.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The Constitution guarantees freedom of speech and expression, and this right is vigorously exercised in the Ecuadorean mass media, which is overwhelmingly privately owned and free from government control. Thirty-five newspapers, 9 television stations, and more than 450 radio stations, representing a wide range of political opinion, operate in Ecuador. There were no recorded instances of media censorship during the 1983-84 national election campaign. In 1984 the Inter-American Press Association praised Ecuador for maintaining freedom of the press.

Despite this creditable record, the Ecuadorean criminal code prohibits written or oral statements which defame or demean public officials, governmental institutions, or national symbols. During the March 1984 state of emergency in Esmeraldas and Napo provinces, the Government temporarily shut down one radio station for attempting to broadcast a message by a local strike committee. During a series of civil disturbances in Guayaquil in October, the Government ordered four local radio stations closed because of anti-government statements. This order was rescinded after a few hours. During the same period, the mayor of Guayaquil was ordered jailed for four days for publicly insulting the President of the republic. This order was apparently never carried out. Citing, among other incidents, the firing of several newspaper and TV journalists, opposition groups have alleged that the government has used its political influence to attempt to limit anti-government media coverage.

There is no political censorship of foreign or domestic books, films, or works of art, nor is there government interference with academic inquiry. In April 1984, however, several political and human rights groups accused the Government of suppressing the freedom of expression of political activist/writer Jaime Galarza, who was convicted of libel in connection with his 1982 book, "Who Killed Roldos?" (President Jaime Roldos died in an airplane crash in 1981.)

### b. Freedom of Peaceful Assembly and Association

The right to free assembly and association is established in the Constitution and observed in practice. Public rallies require prior consent from local governments, but this is routinely granted. During the March 1984 state of emergency in Esmeraldas and Napo provinces, a night-time curfew and restrictions on the right of public assembly were in effect.

Labor organizations represent perhaps 15 percent of the country's economically active population. Organized into four major confederations and many independent unions, the labor movement reflects widely different political orientations. All private sector employees and government blue-collar workers enjoy the right to organize unions, bargain collectively, and strike. Government white-collar workers may not legally strike, and their labor organizations are not recognized by the Government as full-fledged unions with bargaining rights.

The labor code provides for a considerable government role in the resolution of disputes between labor and management, especially through the Labor Ministry's conciliation tribunals. Trade union leaders are elected by the membership. The Constitution provides for formal labor participation in government through representation on the executive boards of several national institutions. The labor leadership meets regularly with the Labor Minister and other senior government officials to discuss ongoing sectoral problems.

### c. Freedom of Religion

Although overwhelmingly Roman Catholic, Ecuador has no state religion. All Ecuadoreans are free to practice the religion of their choice. Clergymen, by local law, may not become high-level elected or appointed government officials. Foreign missionaries of many faiths operate freely in Ecuador. Radio

HCJB, the Voice of the Andes, a U.S.-based evangelical broadcasting company in Ecuador, is a world-wide, multilingual shortwave radio service, which also broadcasts domestically on FM and medium wave.

In November and December a controversy arose surrounding the activities of two Italian priests working with campesino groups in the politically active province of Esmeraldas. The provincial governor alleged that the priests were engaged in subversive activities. The Ecuadorean Episcopate defended the priests against these charges. As of year's end, the Government had not acted on demands by their opponents for the priests' deportation.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Ecuadoreans may travel freely at home or abroad. There is no discriminatory treatment of women or other groups with regard to travel, emigration, or repatriation. Individuals from other Latin American countries have readily found asylum in Ecuador. No cases of involuntary repatriation of persons fleeing political persecution were reported in 1984.

## Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

Ecuador is a functioning multiparty democracy, with 17 registered political parties representing a wide political spectrum. Two communist parties of differing orientations are legally recognized. Ecuadoreans 18 years of age and over have the right to vote. Voting is mandatory for literates and voluntary for illiterates. Citizens lacking a valid reason for not voting are subject to legal sanctions, although these are seldom imposed. Political participation and suffrage are open to all citizens without discrimination as to sex, ethnic group, or socioeconomic status. All citizens have the right to form and join political parties. Groups not fulfilling party certification requirements, which include obtaining a minimum number of signatures of previously unaffiliated voters, are not entitled to field candidates.

Ecuador held national elections in January and May 1984, in which the President, Vice-President, all 71 Deputies to the National Congress, and almost 700 provincial and local elective officials were chosen. The election campaign was vigorously contested by the 17 parties, which fielded 9 presidential candidates. Almost 79 percent of Ecuador's 3.8 million voters participated in the May 1984 runoff balloting between the top two presidential contenders. On balance the elections took place in an open and fair manner. The first round of elections in January were marred by allegations of electoral fraud, by technical problems with the computerized voter registration system and the nationwide distribution of ballots, and by sporadic violence involving the supporters of one or another candidate. Legal challenges stemming from the fraud charges were taken before the Supreme Electoral Tribunal and, on appeal, to the Ecuadorean Supreme Court, where they were ultimately dismissed.

The August 10 inauguration of President Leon Febres-Cordero marked the first peaceful transfer of power in Ecuador from one democratically elected government to another in 24 years.

# ECUADOR

## Section 4 Government Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Government maintains an open and constructive approach to international human rights issues. An Ecuadorean is a member of the Human Rights Committee of the U.N. Covenant on Civil and Political Rights and the U.N. Committee on the Elimination of All Forms of Racial Discrimination. In May 1984 Ecuador proposed that the United Nations issue a yearly report on respect for human rights in all countries rather than in a selected few, thus showing its support for increased international scrutiny of human rights performance. In July 1984 Ecuador accepted, subject to certain reservations, the optional jurisdictions of the Inter-American Human Rights Commission and Court, and the U.N. Human Rights Commission, as stated in Articles 45 and 62 of the American Convention on Human Rights and Article 41 of the International Covenant on Civil and Political Rights, respectively. During the 1984 U.N. General Assembly session, Ecuador co-sponsored resolutions seeking to improve the rights of migrant workers and their families, and opposing summary and arbitrary executions.

No international organization or human rights group has seriously questioned the human rights performance of the Ecuadorean Government, and domestic human rights bodies have been free to investigate human rights practices within the country. Freedom House's 1984 report places Ecuador in the category of "free" countries; Amnesty International has not reported on Ecuador in recent years. Representatives of the International Labor Organization's regional office in Lima travel regularly to Ecuador in order to consult with government officials on labor policies and programs.

Among the many human rights organizations based in Ecuador are Amnesty International, which in 1984 re-opened its Ecuador office after several years' inactivity. The regional Latin American Human Rights Association (ALDHU) is headquartered in Quito. Locally active human rights organizations include the Catholic Church-based Ecumenical Human Rights Commission and the National Human Rights Commission. In June 1984 the Government established an inter-institutional commission, composed of Ministry of Government officials and representatives of private human rights groups, to accept and investigate specific allegations of human rights violations. The commission did not meet during 1984. However, individual representatives of human rights groups did occasionally meet with Ministry of Government officials to discuss human rights concerns. In November 1984, the Ecuadorean Congress created a human rights subcommittee to study and hear testimony on complaints of human rights violations stemming from civil disturbances the previous month in Guayaquil, and poor prison conditions nationwide.

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Ecuador's population of 8,648,000 is divided nearly equally between urban and rural residents. After a 3.4 percent yearly growth rate during the 1962-74 period, the country's population is now increasing annually by only 2.7 percent. The economy is mixed, with the private sector contributing 60 percent of the nation's production. Key sectors, such as petroleum, telecommunications, and much of the aviation and energy industries, are under government control. The economy has been stagnant since the end of the petroleum boom of the 1970's. In 1983 world recession and the destructive effects of the "El Nino" weather phenomenon contributed to a 3.3 percent negative growth rate and to an inflation rate of 48 percent.

The World Bank calculated Ecuador's per capita Gross National Product in 1982 at $1352. However, the 1983 downturn may have increased the percentage of Ecuadoreans living below the absolute poverty line, which in 1980 was 40 percent in urban areas and 65 percent in rural areas. Nineteen eighty-four saw the beginnings of recovery, with economic growth rebounding to between 2.2 and 3.0 percent, and inflation reduced to 25.1 percent. Although Ecuador lacks precise unemployment statistics, official and semi-official sources have calculated that open urban unemployment was 12 to 15 percent in 1983, and was probably reduced to the 8 to 11 percent range in 1984. Underemployment remains a persistent problem, with at least 50 percent of the work force employed only part-time or temporarily. Despite a legal prohibition on child labor under age 12, the National Development Council (CONADE) estimates that 11 percent of urban children and 62 percent of rural children are part of the active work force.

Considerable strides have been made during the past decade, and especially under the 1979-84 National Development Plan, in the areas of health and education. The World Bank calculates that in 1984 the average life expectancy at birth was 63.28 years and the infant mortality rate was 74.10 per 1000. The caloric supply in 1977 was reported to be 91.88 percent of nutritional requirements. Nonetheless, the Ecuadorean Center for Population Studies and Responsible Parenthood estimates that 40 percent of preschool children and about 90 percent of the rural population suffer from malnutrition. Health care is improving owing to expanded delivery systems and an increased number of doctors. However, many facilities continue to lack adequate numbers of trained personnel and modern equipment. In October the Government sponsored a nationwide inoculation campaign against major childhood diseases, during which 200,000 children under age five were inoculated. According to the World Bank, 42 percent of the population in 1977 (84 percent in the cities and 13 percent in the countryside) had access to potable water. The Febres-Cordero administration has focused particular attention on fulfillment of the President's electoral campaign promise to provide more "bread, housing, and employment." Housing represents an area of immediate concern. Although the average household size has dropped from 5.0 to 4.1 from 1974 to the present, the overall housing deficit is estimated at one million.

World Bank statistics on education in its 1974 report revealed an adult illiteracy rate of 25.8 percent, of which the urban rate was 9.7 percent and the rural rate was 38.2 percent. Male illiteracy was 21.8 percent while female illiteracy was 29.6 percent. According to statistics provided by the National Statistics and Census Institute (INEC), the illiteracy rate was reduced in 1983 to 14.5 percent (7.8 percent in urban areas and 21.5 percent in rural areas). The primary school enrollment ratio in 1979, as calculated by the World Bank, was 115.36, with a male ratio of 117.42 and a female ratio of 113.26. USAID estimates that some 30 percent of school-age children in rural areas do not attend school. The low quality of public education at all levels is cause for serious concern on the part of government officials.

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The Ecuadorean Constitution establishes complete legal equality for men and women. However, owing to the female's traditional role in Latin American societies, there are few highly placed women in the political structure. Fewer than 15 percent of the candidates for elective office in 1984 were female. Three of the 71 congressional deputies elected in 1984 were women; none served in the previous congress except as alternates. Several deputies are also of Indian or mixed ethnic origin. One of Ecuador's leading female political figures heads the Alfarist Radical Front political party. Several women, including a provincial governor and two vice ministers, serve in prominent positions in the present Government. By contrast, despite considerable progress in recent years, women suffer some discrimination under civil law. In divorce matters and in the right of inheritance, the male continues to enjoy preferential status as head of household.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: ECUADOR

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 22.9 | 26.7 | 28.9 |
| LOANS.............. | 12.1 | 2.7 | 14.0 |
| GRANTS............. | 10.8 | 24.0 | 14.9 |
| A.AID ................. | 17.3 | 21.5 | 22.6 |
| LOANS.............. | 12.1 | 2.7 | 14.0 |
| GRANTS............. | 5.2 | 18.8 | 8.6 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 2.4 | 1.8 | 2.7 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 2.4 | 1.8 | 2.7 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 2.4 | 1.8 | 2.7 |
| E.RELIEF.EC.DEV & WFP. | 1.1 | 0.7 | 1.5 |
| VOL.RELIEF AGENCY..... | 1.3 | 1.1 | 1.2 |
| C.OTHER ECON. ASSIST... | 3.2 | 3.4 | 3.6 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 3.2 | 3.4 | 3.6 |
| PEACE CORPS...... | 2.8 | 3.2 | 3.4 |
| NARCOTICS........ | 0.4 | 0.1 | 0.1 |
| OTHER............ | 0.0 | 0.1 | 0.1 |
| II.MIL. ASSIST.-TOTAL... | 5.0 | 4.6 | 6.7 |
| LOANS.............. | 4.5 | 4.0 | 6.0 |
| GRANTS............. | 0.5 | 0.6 | 0.7 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 4.5 | 4.0 | 6.0 |
| C.INTL MIL.ED.TRNG.... | 0.5 | 0.6 | 0.7 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 27.9 | 31.3 | 35.6 |
| LOANS.............. | 16.6 | 6.7 | 20.0 |
| GRANTS............. | 11.3 | 24.6 | 15.6 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 444.0 | 209.1 | 117.8 | 2004.1 |
| IBRD | 228.7 | 40.6 | 0.0 | 702.6 |
| IFC | 9.3 | 0.1 | 0.1 | 48.2 |
| IDA | 0.0 | 0.0 | 0.0 | 36.5 |
| IDB | 202.5 | 167.3 | 117.7 | 1160.7 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 3.5 | 0.2 | 0.0 | 45.7 |
| OTHER-UN | 0.0 | 0.9 | 0.0 | 10.4 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## EL SALVADOR

The election of Jose Napoleon Duarte, inaugurated as President on June 1, 1984, represented an important step in El Salvador's five-year evolution as a democratic nation. Virtually the entire country of El Salvador has accepted the results as valid and the new President's authority as legitimate. Preparations are under way for legislative and municipal elections that will be held in March 1985. Although sharply divided on numerous issues, the political parties have respected the constitutional system.

The new Christian Democratic President faces formidable challenges: the country's violent history, a dedicated Marxist insurgency with strong ties to and material support from Nicaragua and the Cuban/Soviet bloc, a severely depressed economy, and still-weak institutions for public administration and the administration of justice. The greatest test to date for the cohesiveness of the new democratic system came in October when President Duarte announced his La Palma initiative for dialogue with the left in his speech at the United Nations General Assembly. The issue has been openly debated, and criticized or embraced, but Duarte's authority to conduct the dialogue, as long as it does not violate the 1983 Constitution by leading to power sharing with the armed insurgents on any basis other than electoral, has been unchallenged.

The new Government is working actively to end violence from both the far right and far left, to strengthen the rule of law and the system of justice, to pursue the dialogue with the armed left within a democratic, constitutional framework, and to restore economic growth while protecting social reforms. The military by and large has accepted that the Armed Forces are bound by the Constitution and must remain apolitical and non-partisan. During the presidential elections and in their relations with the new civilian Government under President Duarte the military has maintained its neutrality and has deferred to civil authority.

The country continues to suffer from an active insurgency with an estimated 9,000 - 11,000 guerrillas of the Farabundo Marti National Liberation Front (FMLN), in conjunction with its political counterpart, the Democratic Revolutionary Front (FDR), a coalition of organizations led by Marxist-Leninists. The insurgent forces have the capability to conduct hit-and-run operations in areas of the country where the Salvadoran Armed Forces lack the resources to maintain a permanent security presence. The FMLN-FDR remains actively engaged in terrorism against both human and economic targets and committed to the overthrow of the constitutionally elected Government. The guerrillas' low level of popular support, however, coupled with declining morale, desertions, and lack of volunteers, have induced the guerrillas to resort to forced recruitment to augment their ranks. In addition the guerrillas have used terrorist tactics and destruction of civilian targets and infrastructure evidently in an attempt to coerce villagers into lending support to the FMLN-FDR or, at a minimum, intimidating the people into not reporting a guerrilla presence to government authorities.

Human rights conditions in El Salvador are strongly affected by the ongoing civil strife. The achievement of a stable public order sufficient to protect individual rights has been disrupted by guerrilla and military operations, partisan hatreds, acts of revenge, fear, and a prevailing uncertainty characterized by violence. This situation contributes to, and is complicated by, the ineffective operation of the judicial system, caused in part by corruption and intimidation. The Government has been working to unclog the court system, however, and has been at least partly successful in its effort to eliminate the backlog of state of emergency cases.

The Armed Forces continue to be accused of human rights abuses, but the focus of these allegations has shifted primarily to the killing of non-combatants by gunfire or aerial bombardment. Most of these accusations, however, originate with the guerrillas themselves or from sources close to and sympathetic to the guerrillas and are in most cases either exaggerated or simply baseless. The great majority of civilian battle deaths appear to take place almost exclusively in connection with operations against legitimate military targets where "masas" (the guerrilla term for their unarmed logistical support personnel) are present. Some allegations of gratuitous violence against civilians continue to occur, however. The Duarte Administration and the military High Command have both served notice that they expect all reasonable precautions to be taken to avoid the death or injury of innocent civilians. President Duarte has issued clear guidelines concerning the use of aerial bombardment in order to codify and strengthen existing rules of engagement.

The brutal phenomenon known as "death squad" assassination activity has not been completely extirpated but has declined dramatically, along with the overall level of civil violence. The best indicative data show civilian deaths to have declined from a level of 444 per month in 1981 and 298 per month in 1982, to 139 per month in 1983 and 46 per month for the second half of 1984, since Duarte took office. The far right extremist Maximiliano Hernandez Martinez Brigade has been silent and inactive in the past year; the Secret Anti-Communist Army (ESA) has issued occasional threatening bulletins, but has claimed authorship of only one killing and one bombing (no injuries) in all of 1984. Indicators and statistics from all sources reflect the dramatic drop in killings attributed to "death squad" activity, except those attributed to the far left Clara Elizabeth Ramirez Brigade.

Human rights abuses remain a central issue in El Salvador. However, there has been substantial progress in the past year. The security forces now provide human rights instruction to their trainees and a chaplain corps is being established for soldiers in the field. Despite occasional violations, the arrest and detention rules issued in December 1983 by the Minister of Defense are now by and large being followed. Accountability for and treatment of arrestees is greatly improved; credible allegations of torture are much diminished.

A prime contributing factor in human rights abuses is a generally inadequate judicial system. Lack of confidence in the availability of justice due to inefficiency, corruption and intimidation is a serious problem, prompting some in the populace to take the law into their own hands. The Duarte Administration is attempting to remedy this problem by strengthening the administration of justice and is implementing several initiatives begun under the previous Government. These include a revisory commission to review the justice system, a special investigative unit for political crimes and especially significant or notorious criminal cases, a forensic laboratory, and a judicial protection unit to shield participants in the judicial process from intimidation or injury. The judicial protection unit completed its first mission when it provided protection in May at the trial of the accused murderers of four American churchwomen.

The economic system underwent a dramatic reform in 1980 when the junta decreed land reform, nationalized the banks, and made cotton, sugar and coffee exports a government monopoly. For a variety of reasons, including the armed conflict, low world prices for El Salvador's export products, high fuel costs and the virtual collapse of the Central American Common Market, El Salvador's gross domestic product (GDP) has suffered a 25 percent decline over the past five years. This decline bottomed out in 1983, and a small increase in GDP is projected for 1984, but not in per capita terms. Foreign investment has yet to resume, domestic private sector confidence has not yet recovered to the point where major new investments are under way, and the economy remains dependent on external assistance.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

Many violent deaths in El Salvador go unexplained; it is often impossible to distinguish those that are politically motivated (from either political extreme) from those which are disguised as such in order to evade criminal detection. Nonetheless, a substantial number of unexplained deaths, against the background of prolonged and bitter conflict, can be presumed to be politically related. While absolute numbers for such deaths cannot be determined, it is safe to conclude that those numbers rise or fall correspondingly with the level of overall figures for violent deaths. Death figures compiled from all press reports as violence level indicators since 1980 suggest political killings are now substantially lower than in the past. The trend is clear: late 1980 - over 800 per month; 1981 - 444 per month; 1982 - 298 per month; 1983 - 139 per month; January-June 1984 - 88 per month; and July-November 1984 - 46 per month.

The Duarte Government took steps to tighten discipline and control in order to deal with abuse of authority within the military and other security forces. Officers suspected of death squad type activity were removed from their commands. A key new position, Vice Minister of Defense for Public Security, was created to supervise and coordinate the operations of the security forces; Col. Rodolfo Revelo and Col. Rinaldo Golcher were appointed to head the National and Treasury Police, respectively, and those organizations show improvement in their respect for civil and human rights. The new director of the Treasury Police has disbanded its 110 member intelligence unit, long considered the source of many abuses. It is not possible to state confidently how much residual violence is attributable to individuals who are collaterally officials of the Government or its security forces, but the evidence does clearly support a finding of significant and progressive reduction.

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In 1984, there was a sharp decline in terrorist actions for which death squads have claimed responsibility or which can be attributed to them. The Secret Anti-Communist Army apparently was far less active in 1984 than in late 1983, having claimed responsibility for only one murder. However, it did issue several threatening communiques and took responsibility for several victimless bombings. Another identifiable death squad, the "Maximiliano Hernandez Martinez Brigade," was apparently inactive during most of 1984, and a newly formed self-described death squad, "Special Command of the Domingo Monterrosa Barrios Brigade," issued communiques in December threatening to expose and execute leftists in the Government and to demand an explanation for the death of Lt.Col. Monterrosa.

Charges continue to be leveled at the Salvadoran Armed Forces for indiscriminate bombing attacks and gratuitous violence against innocent civilians. President Duarte has investigated some of the more sensational charges of massacres and has stated that he found them to be baseless. He has made it clear, however, that he will not tolerate the wanton use of violence against noncombatant civilians.

In contrast to the situation in the past, there is no credible evidence to suggest that violence against civilians is now even tacit Government policy, nor that its scale in any way approaches the claims of FMLN propaganda or the reports of some human rights groups. As far as can be determined, the majority of alleged civilian deaths stemming from military operations were actually guerrilla combatants. Most of the remainder were among the so-called "masas," the guerrilla term for their supporters who comprise the FMLN logistical support apparatus. These people, although themselves not usually armed, are often present with or near the guerrillas during combat operations, and in guerrilla installations which represent legitimate military targets and periodically come under Armed Forces attack. Sensitive to charges about misuse of air power, however, President Duarte and the military command have modified and strengthened the rules of aerial engagement to help ensure against its accidental or intentional misuse against civilians.

The FMLN-FDR continues to commit significant human rights violations. Some specific examples cited here and in the following section indicate the range of their terrorist activity, which includes kidnappings, killings, forced recruitments, and intimidation of the populace. In January an American citizen was shot and killed when the vehicle in which she was riding with her husband and two small children failed to stop at a guerrilla roadblock. FMLN mining of the runway of a civilian airport in March caused three deaths. According to witnesses, in February guerrilla forces massacred 29 captured soldiers in western El Salvador. An unarmed military judge was killed by would-be kidnappers when he resisted abduction. Two local Red Cross workers who were traveling in a Red Cross ambulance were killed by guerrillas. The Armed Forces of National Liberation (FAL) seized a San Salvador bank in August, killing a civilian guard. In 1984 leftist terrorists killed three retired army officers and three Legislative Assembly deputies; they attempted the murder of a fourth deputy, wounding him badly. According to press reports, leftist groups carried out 63 unambiguously political killings during the first half of 1984.

## EL SALVADOR

In November and December anti-government terrorism increased dramatically. The left wing death squad "Clara Elizabeth Ramirez Front" claimed responsibility for the assassination of two U.S. Embassy guards, a Ministry of Justice guard and a civilian official of the National Electric company. Another guerrilla group, the "Raphael Antonio Arce Zablah Brigade" shot and killed two policemen on the street.

### b. Disappearance

The number of press-reported civilian disappearances averaged 13 per month through November 1984, for a total of 137. This is well below the levels of 39 per month in 1983, 38 per month in 1982, and 160 per month in 1981. By comparison, Tutela Legal (the legal aid office of the Catholic Archdiocese) reported 107 civilian disappearances January - August 1984. Disappearances occur under a variety of circumstances. Newspaper and eyewitness accounts often describe "armed men in civilian dress" as perpetrators of seizures. Some persons reported to have disappeared are later found dead, others may be in hiding, and still others subsequently are found to have been apprehended and held in unacknowledged detention by security forces only to reappear in the criminal justice system. Under the arrest and detention procedural guidelines in force since December 1983, this latter problem has been reduced. This order requires security force members to be in uniform in all but a few cases and identify themselves while making arrests, and to notify the Armed Forces Chiefs of Staff, the International Committee of the Red Cross (ICRC), the Government's Human Rights Commission and the detainees' relatives within 24 hours of the arrest. The order permits incarceration only in official prisons and prohibits the use of torture.

Guerrilla units stage kidnappings for ransom or prisoner exchanges. Because the families of kidnap victims generally try to avoid publicity in order to negotiate their release, these kidnappings receive little media coverage. The guerrillas launched a systematic forced recruitment campaign in the spring, in which some 1500 young people of both sexes were abducted. The Church has taken public note of the events. In his homily on December 23, Auxiliary Bishop Rosa Chavez lamented the abduction for ransom by the guerrillas of civilians in the eastern part of the country.

Although most disappearances are routinely attributed by human rights monitoring organizations to the police forces, in the majority of cases it is not possible to substantiate an assertion of involvement by security or military forces in the disappearance. Similarly, it is impossible to tell how many disappearances are actually desertions of family, criminal acts, emigration (typically to the U.S. or neighboring countries), or enlistments into guerrilla ranks. Government policy, to which the chiefs of the security services are publicly committed, condemns violation of human rights via the disappearance of suspected subversives. President Duarte, who has long demanded that the security services act with complete legality, has said that he believes the disappearance problem to be vastly overstated.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Although it is difficult to gather hard evidence in torture cases, incidents of torture and lesser forms of mistreatment continue to be reported, but they are fewer in number than in previous years. The Catholic Church's human rights office, Tutela Legal, asserts that while the number of cases of torture has significantly declined, the methods are more refined with use of electric shock, psychological torture and other techniques that do not leave marks. There have been repeated accusations of rape by captors.

Interviews with detainees and prisoners produce credible claims of torture or harsh treatment, especially during the initial stages of detention to extract confessions. For example, a university student who was abducted in August later turned up at National Police Headquarters showing clear signs of having been tortured. The policy of notification of families and the Human Rights Commission within 24 hours of arrest should, if adhered to, reduce opportunities for torture to occur. The new directors of the National and Treasury Police and National Guard have launched active campaigns to educate their police agents about the Government's policy against torture and cruel and degrading treatment.

According to the Ministry of Defense, 1168 guerrilla combatants and supporters voluntarily turned themselves in to the Government during 1984. An additional 1853 guerrillas and supporters were captured. After an initial debriefing by the intelligence section of the capturing unit, these guerrillas and supporters are transferred to one of the public security forces within 72 hours of capture by the Army. Once they have arrived at the designated security force headquarters, they are treated in accordance with standard arrest procedures including the notification of a family member, the governmental Human Rights Commission, and the ICRC. The prisoners are usually held in small groups for a 15-day incarceration in the security force headquarters. At the end of this period, the prisoner is assigned to an instructional judge under the provisions of Decree 50 as a person accused of armed subversion of the state.

The guerrillas have established a poor record for treatment of captured members of the Armed Forces. While ordinary soldiers are most often released within a few days of capture, officers and cadets are not, but are held prisoner for prolonged periods in order to be used by the guerrillas for later exchanges. Frequently, prisoners released by the guerrillas have exhibited signs of severe beatings, deprivation of food and similar treatment.

### d. Arbitrary Arrest, Detention, or Exile

Arrests in El Salvador can be made by the security forces without a warrant. The disposition of arrested persons is determined by an instructional magistrate who, like trial magistrates at various levels of the judicial process, may decide on the release or continued detention of a suspect for additional investigation before charges are brought or trial begins. This principle applies to "political" and common crimes alike. In practice, it is impossible to say how many arrests are not based on reasonable probable cause, as even dismissal of charges at the instructional level often reflects either ineffective investigation or is a matter of convenience in an overburdened judicial system.

The Constitution provides for the suspension of constitutional guarantees in times of emergency. Special legislation provides for separate procedures and judicial handling of such politically motivated crimes as treason, sabotage, rebellion and participation in organized groups dedicated to the overthrow of the Government by use of force. Arrest for political beliefs, as such, is not contemplated in law and apparently does not occur. Some 2000 arrests have been made under state of emergency legislation.

Until February 1984, judicial disposition of these crimes was regulated by Decree 507. This legislation was replaced by Decree 50, which was designed to provide increased protection for persons arrested for state of emergency crimes. The Decree halved the periods of permissible detention before a defendant must be charged and brought to trial. If security forces hold a suspect for more than 15 days following arrest without consigning him to an instructional judge, they are in violation of Decree 50 and may be prosecuted for improper imprisonment. Persons arrested under Decree 50 once consigned to a judge may not be held without charge for more than 15 days unless further investigation is ordered by the investigating judge. Persons arrested have no right to counsel before charges are brought but may retain counsel as soon as charged or remanded to detention pending further investigation. Elevation of a case to trial ordinarily must occur no later than 75 days from the date of arrest by the security forces. Any delay beyond this period must be based upon a judicial decree that orders further investigation along specified lines.

Special Decree 50 courts were established immediately after the Decree came into effect, but caseloads, lack of resources and bad management of the system prevent their working as well as they should. Nevertheless, the entire backlog of Decree 507 cases in the instructional phase, which automatically fell under the procedural terms of Decree 50, has now been eliminated, by either dismissing charges (in the majority of cases) or elevating the cases to the trial stage. At present, 270 persons are charged and awaiting trial. The Decree 50 system does not safeguard against arbitrary arrest, but it does preclude prolonged arbitrary detention in "political" cases and provides a formal framework for due process.

In common criminal cases bail is available until sentencing, provided the offense involved is not punishable by more than three years' imprisonment. After arrest, the police may detain a person for up to 72 hours before bringing the case before an investigating magistrate for dismissal or provisional detention pending criminal investigation. In theory, the investigational phase may not last more than 87 days, after which the trial stage must begin or charges be dismissed. Legal detention may, however, be continued for further investigation if so decided by the trial judge or the appellate court. Again, the theoretical framework provides for protection of due process following arrest. In practice, violations of the system occur. If these violations constitute illegal detention, they provide the basis for prosecution of responsible persons on those charges. Prolonged detention is ordinarily the result of repeated extensions of the instructional phase, although the difficulty in coping with the backlog of cases confronting investigating and trial magistrates also plays a role in lengthy detentions.

The scope of the judicial reform project now under way will take these and other issues under full consideration. The revisory commission in charge of the reform process was formally constituted by a presidential decree issued on August 24, 1984. This commission will undertake a diagnostic examination of the entire legal system, beginning with the area of criminal justice. Its objective is to revise the penal code so that it is consistent with the new Constitution and will thus examine existing legislation governing arrest and detention procedures, and propose its modification. The commission is made up of distinguished members of the bar and professors of law, all of whom have a broad comprehension of both Latin American jurisprudence and other systems of law.

In the past, clandestine jails were known to exist, but in 1984 the security forces claim they have been totally eliminated. Despite such claims, however, there were reports during 1984, of temporary detention at such locations. Most arrests are made by the National Police, which holds prisoners in group cells before they are either released by the investigating magistrate or transferred to a regular prison pending investigation of the accusations against them.

Conditions in the penal centers are generally good. Visitors confirm that these facilities are clean and well-run and provide the basic necessities. There have been no recent complaints of ill-treatment by prisoners once they are confined within these prisons. The National Police allow representatives from the International Committee of the Red Cross (ICRC) unimpeded access to their detention facilities. The 360 male political prisoners at Mariona Prison and the 20 female political prisoners at Ilopango Prison, in fact, enjoy an extraordinary amount of freedom in their own separate section, to organize their own cultural, social and educational programs.

There are no legal provisions for exile nor for the revocation of citizenship.

### e. Denial of Fair Public Trial

Trials of common or political criminals in El Salvador are neither denied nor unfairly conducted as matters of government policy. However the obvious inadequacy and inefficiency of the judicial system often prevents speedy and effective justice.

Incarcerated persons normally wait from 6 to 18 months before coming to trial while their cases remain open, theoretically under instructional investigation. In fact, of a prison population that fluctuates between 3,500 and 4,000 inmates, only 10 to 15 percent are actually serving sentences as opposed to awaiting trial. When finally tried, most can expect to have charges dismissed at the trial stage or to be acquitted, very often due simply to the poor investigative capacity of the police and magistrate.

At year's end, there was only one person actually serving a sentence for a state-of-emergency crime, a Costa Rican pilot convicted of running guns for the FMLN-FDR. Some 40 to 50 other persons have been convicted of crimes under Decree 507/50 provisions. These persons are normally accused of multiple offenses, usually sabotage or abetting guerrilla activities as well as membership in a subversive (FMLN-FDR) organization. In practice, the instructional phase normally fails to meet the requirements for proof for conviction of the greater offenses, such as sabotage. Thus, Decree 507/50 convictions have been limited to membership in a subversive organization, punishable by imprisonment for not more than one year. Since time served in pre-trial detention is subtracted from the sentence imposed, the effect thus far has been the dismissal of all defendants.

Over the past ten years, the overall conviction rate has never exceeded 20 percent, and in 1983 it was only 14 percent. A few prisoners wait far longer than normal to come to trial. These are usually sensational or sensitive cases which remain under more or less active investigation in an effort to produce evidence for conviction. A good example is the case of ex-Major Roeder, a notorious kidnapper and extortionist who spent two years in detention awaiting trial. When tried, however, (and to widespread outrage) he was acquitted amid suspicion that he had bribed or intimidated the jury. Another example is the case of the STECEL electric union workers, freed in October 1984 after four years of detention prolonged in part because of problems in obtaining adequate legal representation and in part because of wide public opprobrium surrounding their case and the knowledge that a conviction was unlikely.

An effort to grapple with intimidation through the Judicial Protection Unit (JPU) is under study by the Ministry of Justice. It is intended to provide protection to judges, juries and officers of the courts in those difficult or sensitive cases in which intimidation could be expected to come into play. Although the JPU is not yet officially constituted, the Ministry of Justice has completed the preparation of regulations that will govern its activity and the unit should be activated in the near future. The Judicial Protection Unit had its trial run when it was temporarily activated to provide protection in the trial of the murderers of the U.S. churchwomen, which it did effectively.

One crucial component of the work of the Revisory Commission for Judicial Reform is the study of trial procedures, including rules of evidence. It will examine such elements as the extra-judicial confession. Many members of the Salvadoran bar consider such confessions to be inherently unreliable. They favor either outright elimination of confessions as evidence or at least strict measures to ensure the validity of confessions.

The judiciary is independent in theory and, for the greatest part, in practice. However, Supreme Court Magistrates and the Attorney General are chosen by vote in the Legislative Assembly after their candidacies are presented by the political parties. The nominations thus take on a high political coloration. This has had little practical effect on the administration of justice as a whole, but does come into play at the final appellate level. A greater threat to judicial independence has historically been the role of the military. Although it makes no effort to coerce convictions in either criminal cases (i.e. Roeder) or state of emergency cases (like STECEL), the Armed Forces have yet to embrace the principle that they are equal to other citizens before the law. Magistrates are reluctant to take on the responsibility of bringing charges against military officers or the police forces, the members of which cannot be relied upon to testify or otherwise to cooperate in prosecuting crimes allegedly committed by brother officers.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government does not interfere in personal life except in matters it considers related to the armed conflict. Both the Government and guerrillas use networks of informers. Phone numbers for making denunciations to the Armed Forces have been publicized (although little used), and security forces rely on informers and anonymous denunciations about alleged criminal and subversive activities. On the other hand, there is no campaign to coerce the public into acting as informants.

Members of the security forces use forced entry to carry out arrests and investigations. The official Human Rights Commission no longer maintains statistics on forced entry; other groups have never done so. The constitutional provision protecting the inviolability of correspondence is suspended under the state of siege. Postal officials have the authority to inspect correspondence and do so on occasion.

These provisions may be revised by the legislature (a representative and independent body) when it wishes. Thus far, they have been routinely extended, usually by unanimous vote, on a monthly basis.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

State of siege decrees suspend the constitutional rights of freedom of speech and press but in day-to-day life are seldom invoked. Self-censorship out of fear of violent reprisal, both in the media as well as by individuals, is the leading constraint on free expression in El Salvador. Salvadoran newspapers publish communiques by the extreme left and right out of fear of reprisal.

The two leading newspapers in the capital are conservative, and criticism of the Government from a rightist perspective is vigorous and frequent. The papers frequently run international wire service accounts of controversial local events rather than rely on their own reporters, thus putting some distance between themselves and any criticism which might be generated.

Radio stations are much more vigorous in their pursuit of news, running a wider variety of stories than the newspapers. Radio not only has the best quality news, but also the broadest reach in Salvadoran society. Television devotes little time to news, but its independence and quality fall somewhere between the newspapers and radio stations.

The Government has recently begun to try again to enforce a 5-year-old decree forbidding the publication of anonymous communiques and statements. This was provoked by an announcement by the extremist organization which calls itself the Secret Anti-Communist Army "declaring war" on the La Palma dialogue process. Additionally, the Government has withheld advertisements by government agencies from one ultra-conservative paper because of its extremely anti-government editorial positions.

The publications of the Jesuit-run Central American University continue to criticize the Government from a leftist perspective. Their bi-weekly newspaper and bi-monthly journal, as well as other occasional publications, have made no secret of their philosophical support for the political leaders of the insurrection. In general their criticism shies only at supporting the violent overthrow of the Government. The press (including the conservative press) routinely accepts paid ads from leftist organizations expressing anti-government views.

Academic freedom is guaranteed by the constitution, and is, in principle, quite broadly interpreted. For example, as is the case in many Latin American countries, university authorities routinely assert that local police have no jurisdiction on campus. After having been closed for four years following violent clashes between "students" and the army, the main campus of the University of El Salvador was recently reopened. The rector has said in interviews that he considers political activism to be the duty of every student and that students are free not merely to study at the university, but must also make a political commitment. Arrests or penalties do not appear to be exacted on the basis of violations of limits on freedom of speech and press.

### b. Freedom of Peaceful Assembly and Association

The constitutional right to free assembly and association is suspended under the state of emergency. The Government has reinstated the right of assembly for political parties and peaceful organizations, including church and labor groups, but not for the formal membership organizations of the revolutionary left.

Although now inactive, two FMLN-FDR member organizations are still recognized as legal parties, the MNR (National Revolutionary Movement) and the UDN (National Democratic Union, an explicit communist party front). Pro-left sentiments are also aired through the freedom of expression and assembly accorded to groups that refrain from explicit identification with the armed left. These include the "human rights" organization Committee of Mothers of the Disappeared and the left-dominated Unitarian Labor Movement of El Salvador (MUSYGES).

Salvadoran unions are free and independent from government control. There is no government-sponsored labor federation. The Popular Democratic Unity (UPD), a loose association of peasant organizations and labor unions, joined the Christian Democratic Party (PDC) in an electoral agreement during the 1984 presidential elections. This agreement, known in El Salvador as the "Social Pact," included a promise by the PDC to name UPD peasant leaders to top positions in all of the land reform institutions. Thus far, however, the UPD's presence in the Duarte government does not seem to have compromised the independence of the UPD member organizations. Rather, it has allowed those most affected by the agrarian reform to exercise direct control over agrarian reform institutions.

The Salvadoran labor code is being amended to reflect changes pertaining to labor in the 1983 Constitution and will recognize the right of peasants to organize in labor unions. Although the new Constitution continues to bar public employees of non-autonomous government agencies from organizing into labor unions, these government workers are represented by professional associations whose function is similar to that of unions. Wage increase demands by many public employees gave rise in early 1984 to a series of public employee strikes. Public employee strikes are illegal in El Salvador, but the Government adopted a largely conciliatory approach and ultimately enacted a 10 percent wage increase for all government employees.

El Salvador's labor organizations maintain close relations with most of the important international labor movements. FESINCONSTRANS, El Salvador's largest urban labor federation, is an affiliate of the Interamerican Regional Labor Organization (ORIT), the International Confederation of Free Trade Unions' (ICFTU) regional organization. Many of the member organizations in the leftist-led MUSYGES have loose links with the Communist-dominated World Federation of Trade Unions (WFTU) and have sent representatives to WFTU meetings in Prague, Havana and Mexico City in recent years. The four largest leftist-led unions of MUSYGES confederation all enjoy official legal recognition by the Government of El Salvador.

Nine members of the leftist-led Revolutionary Labor Federation (FSR, a member of MUSYGES) were arrested by the National Police in January 1984 for conspiring against the Government. Although the Government displayed evidence against them, most of the FSR detainees were eventually released from prison later that year. Two other leftist labor leaders were detained briefly under suspicion of subversive activities and then released.

There are several complaints against the Government of El Salvador pending before the International Labor Organization's Committee on Freedom of Association. Most concern the arrest of various trade union leaders (for example, the nine FSR members) and the search of trade union premises. All predate the Duarte Government.

Freedom of peaceful assembly is protected in article 560 of the Civil Code as long as the group requesting permission to hold a march or demonstration can demonstrate that it has a legitimate "particular interest" to represent. The Ministry of the Interior issues permits for these marches almost as a matter of course, although it has the legal prerogative to turn down any such request. Democratic unions, leftist labor groups, and anti-government demonstrators have demonstrated freely with National Police protection.

### c. Freedom of Religion

Freedom of religion is constitutionally guaranteed in El Salvador and respected in practice. Although historically Roman Catholic, El Salvador has become increasingly multi-denominational, chiefly through the efforts of foreign missionaries now supported by numerous Salvadoran clerics. Although these missionaries generally operate freely and without harassment, some have become victims of violence. In one recent case a Lutheran minister was brutally murdered in eastern El Salvador. The alleged murderers have been arrested and are currently being held for trial.

The Catholic Church continues to be one of the most influential and respected institutions in the country. It uses its influence among the huge number of practicing Catholics to speak out forcefully on social issues, most notably on the need for peace and on human rights matters, from the pulpit and in its church publications.

Over the past year, relations between the Church and the Government, including the military and security forces have become less strained. Although the Church continues to decry human rights violations, it has on numerous occasions recognized the major improvements in the overall human rights situation. The Church's prestige was underscored when it was asked to coordinate and preside at the La Palma meeting between the Government and leaders of the FMLN-FDR. Despite the courageous role of the Catholic Church in moderating the dialogue between the Government and the guerrilla forces, the left and elements of the far right have attacked the Church and the Auxiliary Bishop personally for alleged bias.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Although the state of siege decree formally suspends the constitutional right to free movement, this suspension is not invoked in practice. The continuing armed conflict has displaced an estimated 450,000 persons within El Salvador, primarily in the northern and eastern departments. Another 10,000 displaced Salvadorans live in camps outside El Salvador, primarily in Honduras. Thousands more are thought to be living in Mexico and elsewhere in Central America. Governments (including the Salvadoran), international organizations and private voluntary organizations assist the displaced. The Government has imposed no control on emigration and has assisted amnesty beneficiaries and detainees who wish to settle elsewhere after release. It assists the displaced persons and other individuals wishing to return to El Salvador to reintegrate into society.

Increased forced recruitment by the guerrillas in the northeastern part of the country has caused increased internal displacement and an exodus of Salvadorans who flee into Honduras and then attempt to re-enter El Salvador into government controlled areas.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

1984 saw El Salvador move further in its transition to an open, more participatory democratic system. It enjoys a directly elected legislature and directly elected presidency which may not constitutionally succeed itself. For the first time, a president was elected without the interference of the armed forces, who adopted political neutrality, sought to safeguard the process and renounced their right to vote in the election. The military has explicitly recognized the President's constitutional position as Commander in Chief of the Armed Forces.

Six parties have been represented in the legislature since the 1982 elections. They will run again in March 1985, when mayors will also for the first time be directly elected. Several small political parties are not represented in the legislature but have legal status and freely organize and publish. Right to membership in any legally recognized party is unrestricted.

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Two opposition parties of the left, the MNR (National Revolutionary Movement) and the communist UDN (National Democratic Union), are legally recognized but have chosen not to participate in the system. Both are member parties of the FMLN-FDR. The Constitution now permits the legalization of all political parties that do not advocate armed opposition, provided they meet the required minimum membership standards. The Government and the majority of the constitutional opposition have expressed support for the integration of the currently armed leftist groups into the system as disarmed, legal political parties.

Eight parties contested the first round of the Presidential elections held on March 25, 1984, following a prolonged and active period of campaigning. Despite administrative problems and guerrilla interference some 1.4 million votes were cast, representing more than 75 percent of the electorate. As no party obtained an absolute majority of the votes, a second round between the two most successful parties, the Christian Democrats (PDC) led by Jose Napoleon Duarte and the National Republican Alliance (ARENA) of Roberto D'Aubuisson, occurred on May 6, when over 1.5 million Salvadorans turned out to vote in the second round despite guerrilla threats and calls for a boycott. Procedurally, the election went more smoothly than the first round; Jose Napoleon Duarte, emerged as the victor with 54 percent of the popular vote.

The Salvadoran Government invited more than sixty nations and international organizations to observe the March 25 elections and verify their honesty, and approximately thirty nations' representatives returned to El Salvador to observe the second round. Most observers noted administrative problems in the March 25th round but all endorsed the fairness of the elections.

In both election rounds, guerrillas sought to disrupt the vote. Before the first round, they assassinated several political leaders, made threats and propagandized against the election. On March 25 guerrillas successfully blocked delivery of electoral materials to some voting locations, stole thousands of identity documents to prevent citizens from voting and caused a major power failure on election eve. In some cases, electoral materials had to be delivered in the dark, resulting in missing registry pages and other problems. This guerrilla effort to disrupt the voting process had little effect on the turnout.

During the second round, the guerrillas set off bombs in San Salvador, again stole identity documents and launched an attack on San Miguel, the country's third largest city. The Salvadoran Army thwarted the attack and voting proceeded normally in most of the country. In the second round, 46 small municipalities were unable to vote because of guerrilla activity.

There were some charges of political favoritism being shown by local military commanders. However, most proved false and the military in fact, with only negligible exceptions, lived up to its promise of non-interference and neutrality. Extensive offensive operations to prevent a major guerrilla disruption were conducted during both rounds. The strategy proved effective, although it exacted a toll of over 100 deaths of military personnel.

Participation in the political system is not restricted on the basis of class, religion, ethnic background or sex. The members of the legislature and the memberships of the parties represent a heterogenous mixture of Salvadoran society. The President of the National Assembly is a woman and a member of a small opposition party in the Government.

The Government faces clearcut political opposition from the parties which lost in the presidential election, but which constitute a potential majority within the legislature. No coalition has emerged to dominate the political process from either side; many key votes now see ad hoc majorities develop for or against the Government.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Duarte Government has been very forthcoming with visiting human rights missions, consistently providing information, making its officials available for discussion, and permitting the inspection of detention centers.

Human rights delegations who visited in 1984 include the Lawyer's Committee on Human Rights, Faculty Committee on Human Rights in El Salvador and Central America, Lutheran Church delegations, the United Nations Special Rapporteur on Human Rights, Americas Watch, Medical Aid for El Salvador, and the Unitarian Universalist Service Committee. Numerous U.S. Congressional and staff delegations have also looked closely into human rights matters.

Prisoners are interviewed on a systematic basis by representatives of the International Committee of the Red Cross (ICRC) and the Government's Human Rights Commission. Both organizations are notified of arrests of political detainees. The United Nations Human Rights Commission's Special Rapporteur for El Salvador visited that country in September on a fact-finding tour in preparation for his annual report. As in previous years, he had access to high-level Salvadoran officials, including President Duarte and ranking members of the military and security forces. He had free exchanges with local human rights groups, visited Mariona and Ilopango prisons and was permitted to interview detainees. In his report to the UN, he noted the improvements in the general human rights situation over last year, praised the Duarte Government for its increased control over death squad activity and the improved criminal justice system, but expressed concern about civilian casualties from aerial bombardment by Salvadoran forces.

Various other groups have also visited, been granted interviews with Government officials and allowed entry into the prisons.

Amnesty International issued a report in May 1984 on extrajudicial executions in El Salvador based on evidence developed during a visit to El Salvador by that organization in July 1983. The report found that the historical incidence of such executions was massive and that Salvadoran procedures of recording and investigating violent deaths were defective, and urged that Salvadoran authorities ensure that forensic evidence be systematically collected.

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Sources of information on political violence include newspapers, the armed forces, court records, human rights organizations, leftist organizations, and personal testimonies. Each of these is subject to limitations and/or biases. Government information on guerrilla casualties is subject to exaggeration. Court records list victims of violence identified by justices of the peace throughout the country. Most reports yield little information on the nature of political violence but, nevertheless, are useful in determining trends.

The official Human Rights Commission, composed of leaders of the Church, labor, private sector and the National Police, was established by the Magana Government to represent individual citizens' interests before the security forces and justice system. The Commission's relations with the Duarte Government and the military security services are good. During the first six months of 1984, the Commission dealt with 1,535 cases, including complaints and inquiries about disappearances, reasons for arrests, and interviews with detainees. The Commission found that 594 persons alleged to be "missing" were actually under arrest in the instructional or trial phase of their cases; 142 persons thought to be under arrest had already been freed; 52 cases were provided urgent financial assistance while under detention; 24 persons alleged to be "missing" were actually cases of FMLN abductions; in two cases persons who were reported as missing were found dead.

Other organizations which report on violence, besides the government Human Rights Commission, include the Legal Aid Office of the Archdiocese (Tutela Legal), Christian Legal Aid (Socorro Juridico Cristiano), and the unofficial El Salvador Human Rights Commission (CDHES). In addition, the Center of Investigation and Documentation of the Jesuit-run University of Central America is a human rights information clearing house. These groups rely primarily on newspaper reporting, supplemented by other sources such as announcements by guerrilla groups and personal testimony.

### ECONOMIC, SOCIAL, AND CULTURAL SITUATION

El Salvador currently has a per capita gross domestic product (GDP) of approximately $648. In 1983, agriculture accounted for about 21.3 percent and industry 15 percent of GDP. Before 1960, El Salvador's economy was almost completely dependent on a few subsistence crops and coffee. The creation of the Central American Common Market (CACM) in that year stimulated exports of manufactured goods to other Central American countries, and real GDP growth during the 1960's and 1970's exceeded 5 percent per annum.

Nevertheless, many years of neglect of the country's rapidly growing poor population, profound social inequities, and an inability of the country's public and private institutions to address structural disparities produced increasing political violence and terrorism during the 1970's. Despite a military coup in 1979, which brought to power a Government that implemented a series of sweeping economic reforms, political violence increased. The violence, in turn, contributed to further declines in living conditions for the majority of Salvadorans. Thousands were driven from their homes and those who remained suffered from a decrease in public services due to the violence and the Government's financial shortfalls.

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Exacerbating economic problems brought on by internal violence were external factors such as the world recession, declining prices for the country's main exports, and sharply reduced demand from El Salvador's trading partners in the CACM. The combined results produced an economic crisis. Between 1979 and 1983, the country experienced a 25 percent reduction in real GDP, a 33 percent decline in exports, a substantial increase in unemployment, large-scale capital flight and a 75 percent reduction in private investment. Only in 1983 was this decline halted. A 2.8 percent annual rate of population growth combined with the highest population density in the western hemisphere (589 people per square mile in 1983) also limits economic opportunity for a large part of the population. The adult literacy rate is about 62 percent, and the primary school enrollment in 1981 was about 83 percent. In 1984, there are 69 infant deaths per 1,000 live births. Life expectancy is 64.5 years. The per capita calorie intake is about 89 percent of nutritional requirements. Limited access to education, health services, improved shelter, and a highly skewed distribution of income and wealth affect dramatically the nature of El Salvador's development.

A dramatic shift in the ownership of over 25 percent of El Salvador's agricultural land brought about under the Agrarian Reform Program has affected El Salvador's social structure. In March 1980, El Salvador instituted sweeping social and economic reforms designed in part to transfer ownership of farmlands from the small number of large landholders to those who worked the land. Under Phase I of the Land Reform Program, all farms of more than 500 hectares (1,235 acres) were converted into worker cooperatives to be managed jointly by their members and the Government Land Reform Institute until the cooperatives are able to manage themselves. The number of beneficiaries under Phase I is 31,359 families. The 1983 Constitution clarified Phase II by establishing a ceiling of 245 hectares (605 acres) that an individual may own, and by giving affected owners three years to sell property in excess of that limit to peasants, small farmers or peasant organizations. The state can expropriate, without prior compensation, any excess land not disposed of during the three-year period. Under Phase III of the Land Reform Process, farms previously rented or sharecropped could be claimed in parcels of up to seven hectares (17.3 acres) by the former renters or sharecroppers. By June 30, 1984, when the opportunity for presentation of claims ended 63,640 persons had filed 79,110 petitions for land under Phase III. Including family members, under Phase III more than 300,000 Salvadorans are now moving towards ownership of the land they work. Landowners affected by Phase III have resisted strongly, often with violence and forced eviction of beneficiaries. Many who have lost land are not wealthy, and there is some evidence that most violence and illegal evictions come from the owners of the smallest, not largest, farms. Many landowners have filed legal protests with the Government, thus contesting the claims and keeping the applicants from the land until the case is resolved. Peasant organizations have complained that the adjudication process takes too long and is too often decided in favor of the landlord.

Although the Government has traditionally supported, and continues to support, private property rights, compensation of former owners has been partial and paid very slowly, mainly because of lack of funds. To date, 256 Phase I properties out of 470 have been compensated.

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Under the Constitution women enjoy the same legal rights as men. Women are represented in government in both elected and appointed positions. The President of the Legislative Assembly is a woman, seven women have been elected to the 60-member Assembly as deputies, and two women serve on the city council for San Salvador. Women hold positions of Vice Ministers of Foreign Trade, Public Works, Education, and Justice. Until recently, a woman was president of a major state bank and is currently serving in an equally important financial position. Women serve on the boards of directors of several banks. The majority of elementary teachers, nurses, and secretaries are women, as well as about fifty percent of the teachers on the high school level and between 30 to 40 percent of the university professors, and several deans.

Women also play a role in private industry, especially as owners of small concerns. There are women serving at higher levels, and several major companies are owned and operated by women. Women are well represented in the professions. About 30 percent of the physicians, 50 percent of the dentists and more than 30 percent of the attorneys are women. Women are members of the armed forces as nurses, in administrative areas and in intelligence. Some women have been trained for combat, but no decision has been reached as to whether they will be used in that role. The National Police is training women as detectives and has a corps of policewomen.

A high proportion of women in the lower economic strata are heads of single family households, often fending for large families. Seventy percent of the children in El Salvador are born out of wedlock and most are not legally recognized by their fathers even when occupying the same domicile.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
## (U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: EL SALVADOR

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 182.2 | 245.6 | 215.9 |
| LOANS.............. | 63.8 | 86.6 | 81.2 |
| GRANTS............. | 118.4 | 159.0 | 134.7 |
| A.AID ................. | 154.6 | 198.8 | 161.4 |
| LOANS.............. | 43.9 | 47.6 | 32.2 |
| GRANTS............. | 110.7 | 151.2 | 129.2 |
| (SEC.SUPP.ASSIST.)... | 115.0 | 140.0 | 120.2 |
| B.FOOD FOR PEACE....... | 27.6 | 46.8 | 54.5 |
| LOANS.............. | 19.9 | 39.0 | 49.0 |
| GRANTS............. | 7.7 | 7.8 | 5.5 |
| TITLE I-TOTAL.......... | 19.9 | 39.0 | 49.0 |
| REPAY. IN $-LOANS..... | 19.9 | 39.0 | 49.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 7.7 | 7.8 | 5.5 |
| E.RELIEF.EC.DEV & WFP. | 5.5 | 6.2 | 3.7 |
| VOL.RELIEF AGENCY..... | 2.2 | 1.6 | 1.8 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 82.0 | 81.3 | 196.6 |
| LOANS.............. | 16.5 | 46.5 | 18.5 |
| GRANTS............. | 65.5 | 34.8 | 178.1 |
| A.MAP GRANTS.......... | 63.5 | 33.5 | 176.8 |
| B.CREDIT FINANCING.... | 16.5 | 46.5 | 18.5 |
| C.INTL MIL.ED.TRNG.... | 2.0 | 1.3 | 1.3 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 264.2 | 326.9 | 412.5 |
| LOANS.............. | 80.3 | 133.1 | 99.7 |
| GRANTS............. | 183.9 | 193.8 | 312.8 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 112.8 | 53.3 | 114.3 | 877.4 |
| IBRD | 0.0 | 0.0 | 0.0 | 215.1 |
| IFC | 0.0 | 0.0 | 0.0 | 1.0 |
| IDA | 0.0 | 0.0 | 0.0 | 25.6 |
| IDB | 112.4 | 52.9 | 114.0 | 607.7 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 0.4 | 0.4 | 0.0 | 21.7 |
| OTHER-UN | 0.0 | 0.0 | 0.3 | 6.3 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## GRENADA

Until December 1984, Grenada was governed by an Interim Advisory Council appointed by Governor General Sir Paul Scoon on November 15, 1983, to fill the vacuum created by events following the bloody internal coup of October 1983. The Advisory Council served as an interim government until national elections were held on December 3, 1984. In those elections, which were free and open and saw a voter turnout estimated at 85 percent, the New National Party of Grenada, led by now Prime Minister Herbert Blaize won 14 of 15 parliamentary seats.

After obtaining independence from the United Kingdom in 1974, Grenada was governed under a Westminster-type parliamentary system. The first prime minister was Sir Eric Gairy. Gairy was accused by his opponents of personal corruption, of rigging the 1976 elections, and of using violence to intimidate his opposition. On March 13, 1979 the New Jewel Movement ousted Sir Eric in a nearly bloodless coup and established the People's Revolutionary Government headed by Prime Minister Maurice Bishop. The People's Revolutionary Government (PRG) under Bishop promised to reestablish an elected parliamentary system and to uphold human rights, but did not fulfill those commitments. A single party government, the Bishop-led PRG suspended the 1974 Constitution, arbitrarily imprisoned political opponents, and curtailed press and other freedoms.

Long-standing divisions within the PRG's ruling elite broke into the open in September 1983 and on October 19 led to the murder of Bishop and a number of his cabinet members as well as an unknown number of other people. Under the titular leadership of army commander Hudson Austin, a new group calling itself the Revolutionary Military Council abolished the PRG and declared a 24-hour, shoot-on-sight curfew.

In the wake of this chaos and recognizing the breakdown in civil order that was taking place, Governor General Sir Paul Scoon, exercising his authority as head of state, appealed for help to other members of the Organization of Eastern Caribbean states, who in turn called on Barbados, Jamaica and the United States for assistance.

U.S. and Caribbean forces landed on Grenada October 25 and, after a brief period of combat, succeeded in restoring order to the island. The Governor General and the Interim Advisory Council he appointed on November 15 reinstated major portions of the 1974 Constitution, including its protection of fundamental freedoms and basic human rights.

During 1984, security in the country was maintained by a combination of Grenadian police personnel and a Caribbean Peace Force (CPF) composed of military and police contingents from neighboring countries, with United States military support. Training programs to create a Grenadian police force capable of maintaining law and order on its own began in 1984.

At the end of 1984, there were no persons detained without charges. The press was free. The political party spectrum included a moderate center, the remnants of the leftist New Jewel Movement and a party led by former Prime Minister Gairy who had been overthrown in 1979. A wide variety of religions were being practiced freely.

Movement is free in and out of Grenada. The preliminary judicial hearings for those accused of murdering former Prime Minister Maurice Bishop and others followed generally accepted standards of due process, and numerous precautions have been taken to protect the legal rights and security of the accused.

The Grenadian economy is in a state of transition. It suffers from past mismanagement, a history of political turmoil and an insufficiently maintained and inadequate infrastructure.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

There were no politically motivated killings in Grenada in 1984. The preliminary inquiry of those accused of the murders of former Prime Minister Maurice Bishop, three other Ministers and two prominent labor leaders, who had been summarily executed, allegely by other members of Bishop's own party, on October 19, 1983 was completed. There were no insurgent or terrorist killings in 1984.

#### b. Disappearance

There were no reports of abduction, hostage-taking, or disappearances carried out by official or non-official elements.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Several of the accused awaiting trial for the murders of Maurice Bishop and members of his cabinet complained that they had been subjected to torture and cruel treatment while in prison. In particular, some prisoners charged that investigators brought to Grenada from the Barbadian police force to look into the involvement of the accused in the events of October 1983 used rough treatment during their interrogations. When specific allegations of torture were made, the prisoners were taken to doctors and no evidence of physical harm was found.

During the first sitting of the High Court in October 1984, Bernard Coard, former Deputy Prime Minister and Minister of Finance and now one of the 19 defendants, claimed that there is a "criminal in charge of the prison who is operating a reign of terror." There has been no evidence, however, to substantiate these allegations.

An inquiry by a Grenadian magistrate began in October 1984 into police charges that four former officials of the PRG caused grievous harm to a number of persons held as political prisoners by the PRG during its rule from 1979 to 1983. Two of the accused are also among the 19 charged with the slaying of Bishop and others.

#### d. Arbitrary Arrest, Detention, or Exile

In a series of proclamations by the Governor General in November 1983, most provisions of the 1974 Constitution of Grenada were reinstated, and certain "People's Laws" made under the PRG were declared still in force. Special legal provisions to prevent arbitrary arrest and detention came into effect on November 15, 1983, with the publication of the "Preventive Detention Ordinance 1983". This first ordinance under the Interim Government abolished "Emergency Powers" and created an advisory tribunal to review the cases of persons under detention for reasons of security. Section 15 of the Constitution, which guarantees legal representation for persons detained under emergency laws and written notification of the reasons for detention within specified time limits, was applied in relation to all persons detained under that ordinance.

The Preventive Detention Ordinance of 1983 also provided that, except for cases that would endanger "public safety, public order or defence," detainees must be released or formally charged within 72 hours of being apprehended. This ordinance primarily applied to the approximately 48 "security detainees" who had been held in connection with the events leading to the murder of Maurice Bishop and overthrow of the PRG in October 1983. According to the Attorney General's office, the ordinance is for all practical purposes no longer in effect since there are currently no "detainees" in Grenada. In February 1984 formal charges were brought against twenty of the forty-eight initially accused, and the rest were released.

Grenadian police retain the right to arrest individuals "on suspicion" without a warrant, but they are required to abide by time restrictions as to when those detained must be formally charged or released. In 1984 no individuals were detained for political reasons.

Persons in detention are allowed access to a lawyer of their own choosing. The 19 persons charged with the murder of Bishop and others were represented at the preliminary inquiry by a team of seven Jamaican defense lawyers.

There is a functioning system of bail, although those charged with murder (or any capital offense) are not eligible. Habeas corpus is found in Grenadian law and was respected in 1984. There is a fifteen-day period following a court's decision during which the defense may apply for a judicial determination of the legality of the individual's detention, and a two-month period during which a person in detention must be charged or released. These time limits were not fully adhered to early in 1984 under the interim administration. The Government has cited lack of legal staff to prepare charges and the ongoing examination of the detainees involvement in the October 1983 events as reasons for failure to charge them within the legally-required period. By mid-year all former detainees had been charged or released, and there were no further detentions in which the prescribed time limits were violated.

No Grenadian citizen was exiled in 1984, although some members of the PRG have remained out of the country voluntarily. Other former members of Bishop's Government have come and gone freely.

### e. Denial of Fair Public Trial

During the PRG years (1979-1983), a preventive detention tribunal system effectively removed political cases from the judicial system and denied affected citizens a fair trial.

The Interim Government, which was given full legal responsibility for all security detainees being held at the time of the first ordinance, created an advisory tribunal to review the cases of those persons under detention in November 1983.

During 1984, as firm evidence adequate to prosecute many of the individuals did not develop, they were released. By the beginning of the preliminary inquiry in June 1984, of the original 48 charged with the murder of Bishop and his followers and other bystanders, only 20 people were still in custody. The preliminary hearing found that there was sufficient evidence to remand 19 of the 20 over for trial on eleven counts of murder. One person was charged with "acting or conspiring to procure an alteration in the government," and was released on bail after surrendering his passport, at the conclusion of the preliminary inquiry.

The Grenadian judiciary was independent from interference by the Interim Government in 1984. The preliminary inquiry of the persons accused of the murder of Maurice Bishop and others have been fair. Proceedings have been held in a special courtroom constructed on the Richmond Hill compound, in order to ensure the safety of the accused, as well as the witnesses and jury. The Governor General amended the jury ordinance in September 1964 to allow "not less than thirty nor more than sixty persons to serve as jurors," rather than the previous thirty. This expansion of the jurors pool was one more indication of efforts being made by the Interim Government to ensure a fair, public trial for those accused.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

During the state of emergency declared by the Governor General on November 4, 1983 following the events of October, there were widespread searches for caches of illegal weapons and no warrant was needed for members of the Caribbean Peace Force (CPF) to enter and search private homes. After the Emergency Powers Regulations were revoked by the Governor General on November 15, 1983, all foreign and local police forces were required by law to be in possession of a warrant in order to search a private home. Still there were reported a few instances during 1984 in which the CPF, in an effort to locate illegal weapons, entered private homes without a search warrant.

There is no arbitrary interference by the state or any political organization in the private life of individuals. There is no forced membership in any organization, no arbitrary monitoring of telephones nor interference with the teaching of religion.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The Interim Government restored the constitutionally guaranteed freedom of speech and press which the PRG had suppressed during its years in power. The New Jewel Movement (NJM) during the 1979-83 period had banned all newspapers except their own officially controlled publications and Alister Hughes' "Grenada Newsletter," the dissemination of which was mostly overseas. Hughes was jailed in October 1983 during the events surrounding the murder of Bishop and publication of the "Grenada Newsletter" was interrupted briefly. Some individuals during the NJM regime were imprisoned for attempting to publish papers the party did not like.

In November 1983, the "Grenadian Voice", which had been suppressed by the NJM, resumed weekly publication with technical and financial assistance from other newspaper companies in the Caribbean. Its editor and publisher, Leslie Pierre, had been imprisoned without charges for over two years under the PRG . Alister and Cynthia Hughes continue to publish "The Grenada Newsletter".

In 1984 there were also three political party organs published on a regular schedule, the "Grenada Guardian" of the Grenada United Labor Party (GULP), the "New Grenadian" of the Christian Democratic Labour Party (CDLP), published in Trinidad but sold in Grenada, and the "Indies Times" of the Maurice Bishop Patriotic Movement (MBPM). The government information service publishes a newsletter called "Newsline" which appears on no fixed schedule and which prints official statements by the Government and reports on the activities of the Governor General.

During the Bishop regime several "People's Laws" amended the Newspaper Ordnance thus severely limiting private ownership of newspaper companies and, in effect, providing for 50 percent Grenadian government ownership. The Governor General's proclamation on November 11, 1983, revoked the particular text of the "People's Laws" concerning the ordnance and freedom of the press was restored in Grenada. The single local radio station, "Radio Grenada," is government owned and operated. The transmitters for Radio Grenada were on temporary loan from the U.S. Army. Programming is done solely by Grenadians. In November 1984, Radio Grenada began giving news reports on local political events and free advertising time to the political candidates prior to the elections December 3. A new transmitter belonging to the Government and designed to replace one destroyed in the 1983 military operations began operating in November 1984.

There was no censorship of the media nor abuse of the freedoms of speech and press in Grenada in 1984. Opposition viewpoints are freely expressed both orally and in writing, and criticism of the Government fully tolerated. There is no surveillance of political meetings or censorhip of books or media by the Government.

### b. Freedom of Peaceful Assembly and Association

Individuals in Grenada have the right to assemble for any purpose, including to protest government policies. Since the violent overthrow of the Bishop regime in October 1983, the right to hold public meetings was suspended only during the state of emergency declared by the Governor General during the first half of November 1983. In 1984, there was no government control over private or public associations, and permits were not required for public meetings.

Workers in Grenada have the unrestricted right to organize independent labor unions and to participate in collective bargaining. Unions play a significant role in the Grenadian work force. It is estimated that approximately 25 percent of the total work force belongs to unions.

Although some unions in Grenada played an active political role in the governments of Prime Ministers Gairy and Bishop, in 1984 they were largely apolitical and free of government control. Individual unionists are personally active in various political parties, but they make a point of separating their private political involvement from their union activities. The Grenada Trade Union Council participates in the conferences of the ILO and is affiliated with the ICFTU via the Caribbean Congress of Labor.

Grenada sent a tripartite delegation to the ILO conference in Geneva in 1984.

### c. Freedom of Religion

Grenada's predominant religions are Catholic and Anglican. Although the PRG attempted to discourage religion, particularly among the younger generation, and even jailed outspoken clergymen, Grenada remained a religiously active country. Religious matters are currently covered on the radio and in the newspapers.

There is freedom to practice the religion of one's choice, including Rastafarianism, which was harassed under the previous regime. Clergy, including missionaries, travel freely. There does not appear to be any advantage or disadvantage conferred by adherence to any particular faith, nor is there a religious connection with any political party.

### d. Freedom of Movement within the Country, Foreign Travel, Emigration and Repatriation

There is freedom of movement within Grenada and the right to enter and leave is guaranteed all Grenadian citizens. Emigration in 1984 was not restricted, and Grenadian citizens who left the country were allowed to return freely.

There have been no "repatriates" forcibly returned to Grenada in 1984, nor any known cases of refugees who have come to Grenada.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The principal reason for the appointment of the Interim Advisory Council by the Governor General in November 1983 was to provide a functioning governmental authority until a government was elected under the provisions of the Constitution of Grenada. The Governor General immediately took steps to return Grenada to a constitutional government by means of elections.

The 1974 Constitution of Grenada was largely reinstated on November 15, 1983, and the specifications of the Advisory Council and its legislative powers were set out in a proclamation. In the interest of returning Grenada to a "parliamentary government established under a system of free and fair elections," new electoral procedures were outlined in an ordinance dated March 19, 1984. The ordinance was adhered to during 1984 and a supervisor of elections and staff were appointed and island wide voter registration organized. Voter identification cards were distributed and polling districts organized.

Four political parties formally announced candidates for some or all of the country's 15 constituencies. The Grenada United Labor Party announced candidates for each constituency, and the Maurice Bishop Patriotic Movement put forth 13 candidates.

Eighty-five percent of the voters turned out for the elections on December 3 which, according to international observers, were honest and free from violence. The New National Party won 14 of the 15 parliamentary seats and the Grenada United Labor Party won one seat. The Maurice Bishop Patriotic Movement obtained only 5 percent of the vote and won no parliamentary seats. On December 4 Governor General Sir Paul Scoon swore in Herbert Blaize, head of the New National Party, as Grenada's Prime Minister.

The political system is not dominated by any ethnic group, nor are there any restrictions which limit participation of any elements of the Grenada population.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Interim Government of Grenada welcomed the visits of several human rights organizations in 1984. Government officials met with representatives of non-governmental organizations concerned with the state of human rights in Grenada, including Amnesty International and Americas Watch.

The Government also received correspondence from human rights organizations, especially those formed by Grenadians in the United Kingdom, with regard to specific cases of alleged human rights violations of individuals. The Advisory Council received numerous telexes from trade unions and individuals in the Caribbean, the U.S. and the U.K. which simply "demanded the release" of prisoners, some of whom were active in the NJM's trade union movement. The Inter-American Human Rights Commission (IAHRC) wrote several times to Chairman Brathwaite, forwarding "pertinent points" of letters to them alleging human rights violations. Letters from recognized human rights organizations which requested information on the status of individual cases were answered in a timely manner by the Government. The Government determined not to respond to charges and inquires which it considered to be clearly and primarily propaganda efforts by radical groups. Most complaints or allegations of human rights violations in Grenada concerned specific prisoners at Richmond Hill Prison.

The Interim Government in Grenada made it clear it had nothing to hide regarding its human rights attitudes and practices. A combined human rights group including representatives from Americas Watch and the American Civil Liberties Union visited Grenada in November 1983. In a letter of thanks to Governor General Scoon for his having received them, the group criticized various aspects of the detention of NJM prisoners and made recommendations for correcting alleged abuses. They also had critical comments on other security procedures in Grenada. The Government took steps to investigate the problems pointed out. A subsequent visit was made in September 1984 by the Americas Watch representative.

A representative of the International Committee of the Red Cross (ICRC) visited Grenada in November 1983, in January 1984, and from June to July 1984 and reported on conditions and treatment of detainees at Richmond Hill Prison. The Governor General and the Interim Advisory Council relied on the ICRC's counsel with regard to the prison situation. A visit to Grenada by the OAS Inter-American Human Rights Commission (IAHRC) was requested by the Chairman of the Advisory Council in August 1984.

There are no active internal human rights organizations in Grenada, but the government has been conscious of international human rights matters in 1984. Amnesty International reported on human rights in Grenada in its "Torture in the 80's" and in the "Amnesty International Report 1984," covering a period when the People's Revolutionary Government was still in power. Freedom House in its 1984-85 report rated Grenada "partly free" on the basis of the pre-election period, noting an advance in freedom under the Interim Government and expectation of a return to parliamentary democracy responsive to the will of the majority as a result of the December election.

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The interim administration moved to diminish the role of the Government in the economy, while taking a series of steps to promote private sector business and investment activity. It revised the investment code, relaxed exchange controls, and began divesting several state enterprises. Grenada is receiving foreign aid from the U.S. and other sources, which is being used to complete the international airport and repair infrastructure. Unemployment has not dropped remained at a roughly estimated 30 percent.

Although the World Bank estimates Grenada's population to be 113,000, a more realistic estimate would be 90,000. This is based on a 1981 census and the results of the 1984 voter enumeration process. On the basis of the latest IMF estimate of gross domestic product for 1983 ($116 million) and the lower population estimate, per capita income is about $1288. The World Bank estimate of per capita gross national product was $761.50 in 1982. Income distribution is fairly even.

World Bank statistics estimate population growth at 1.3 percent a year; the Caribbean Development Bank estimate is .9 percent.

Outward migration from Grenada has been a continually significant factor in stabilising the population. Infant mortality is estimated by the World Bank to be 22.2 per 1000 live births in 1984. According to statistics from the Ministry of Health, the death rate for infants under one year was 31.79 per 1000 in 1981, an increase of 8.07 per 1000 over 1980. Life expectancy in Grenada is 70.8 years, according to World Bank data.

Some basic level of health care is available to all Grenadians. According to Project Hope officials who work with the Ministry of Health, a significant health care problem is the lack of trained personnel. In addition, although there are medical care facilities, including a general hospital, six health centers, and several "visiting stations," these are not always in good repair, and medical equipment is frequently old or broken down. Methods of recording births, deaths, and diseases are not standardized, and thus it is difficult to rely on local statistics to estimate the extent to which the population's health needs are met.

## GRENADA

Adult literacy, according to the World Bank, was 97.8 percent in 1979. However, functional illiteracy is high among youths, and was estimated at 30 percent in 1980, according to local sources. The primary school enrollment ratio was estimated by the World Bank to be 104.5 percent in 1980, and there is compulsory education for all children ages 5 to 16. Daily attendance is highly variable.

One hundred percent of the urban population and 77 percent of the rural population had access to safe water in 1975, according to World Bank data. This may have declined slightly by 1984 due to chronic problems of water distribution in the urban area near the capital. The same data indicate that the ratio of calorie supply available for consumption was almost 90 percent (1977) of nutritional requirements. Although it is estimated that malnutrition is not a significant problem in Grenada, due in part to the fertility of the land and availability of fruits, vegetables and fish to even the poorest individual, nutritional status is impacted by high levels of gastroenteritis, with 2,311 cases reported by the Ministry of Health in 1982.

While there is no formal, government-sanctioned discrimination against women in Grenada, they frequently are paid slightly less than men performing the same work. "Skilled" jobs for women such as in spice factories also tend to be the lowest paid jobs. In more highly skilled work, women tend to be equally paid, although there are fewer of them. One of nine members on the Advisory Council was a woman and two were elected to Parliament.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: GRENADA

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 0.0 | 0.0 | 48.4 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 48.4 |
| A.AID ................. | 0.0 | 0.0 | 48.4 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 48.4 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 47.0 |
| B.FOOD FOR PEACE....... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.0 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.1 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.1 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.1 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 0.0 | 0.0 | 48.5 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 48.5 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 0.0 | 0.0 | 0.0 | 0.0 |
| IBRD | 0.0 | 0.0 | 0.0 | 0.0 |
| IFC | 0.0 | 0.0 | 0.0 | 0.0 |
| IDA | 0.0 | 0.0 | 0.0 | 0.0 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 0.0 | 0.0 | 0.0 | 0.0 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 0.0 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## GUATEMALA

Guatemala continued in 1984 to be ruled by a de facto military government, headed by Chief of State, General Oscar Humberto Mejia Victores, which took significant steps during the year to return the country to democratic rule. Constituent assembly elections were held freely in 1984, and national elections were announced for 1985. Although both civilians and military officers hold cabinet-level positions and are delegated important responsibilities, ultimate authority presently rests with the military.

Overall human rights conditions improved in 1984. The United Nations Special Rapporteur noted several areas of improvement in his report to the UN General Assembly following an August visit to Guatemala, citing resettlement of internally displaced persons, government grants of land titles to Indians, pardons and release of those convicted by Special Tribunals, and a continuing good record in the area of freedom of speech, assembly and the press. Politically related deaths remained significantly below the 1981-82 levels although they continued to be a major problem; kidnappings and disappearances, however, increased. The offer of amnesty for those associated with the insurgency remained open all year, and several thousand reportedly took advantage of it. As in 1983, there were no verified instances of massacres of Indians. The Government demonstrated in several ways increased sensitivity to human rights questions. A substantial number of police were either indicted for crimes or corruption or dismissed from the force, and the Army removed an officer from his command in one location in response to complaints from the community. There is a growing awareness in the military that repression and fear were counterproductive in the past to the goal of controlling insurgency. However, sporadic abuse still does occur at the local command level.

The military is devoting increased priority to addressing the root causes of the insurgency, and this has taken much of the initiative from the guerrilla organizations. While a low intensity conflict continues, the guerrilla groups have seen much of their urban infrastructure dismantled and much of the highlands has come under control of the Government. Guerrilla groups still engage in deadly ambushes, but the number of such incidents has decreased, and the number of reported combat-related deaths was only one-half of 1983 levels.

Elections for a Constituent Assembly took place on July 1. In the largest turnout in Guatemalan history, over 72 percent of the 2.6 million registered voters participated. International observers characterized these elections as open and honest. Nine political groups won seats in the Assembly, with three parties (representing the right, center, and left of the democratic spectrum) dominating the outcome. The Assembly was seated on August 1 and is actively engaged in drafting a constitution, and laws regulating elections and habeas corpus. This task is expected to be concluded in early 1985, after which Chief of State Mejia has publicly stated that national elections will be convoked, and power handed over to the winners.

Guatemala is primarily an agricultural country with a dual culture in which the majority indigenous population continues to observe traditional values. The economy has been in recession since 1980, which has adversely affected the

Government's ability to deal as it would like with pressing economic and social problems.

The Civil Defense Force totaled approximately 900,000 members at the end of 1984. A code of conduct was reissued to each member during the year and, with continued training, they have played a major role in the pacification process. Although concern had been expressed that the Civil Defense Force might become a factor in the political process, credible observers to the Constituent Assembly elections found that this did not occur.

Women were noticeably more active in the political process during the Constituent Assembly elections. The Roman Catholic Church spoke out strongly against violence during the year, and urged citizens to participate in the political process. A local group was formed seeking the return of disappeared persons and has functioned openly without interference. The Government established a Tripartite Commission to investigate cases of disappearances, and invited outsiders to accompany the Commission on factfinding trips. A number of asylees in diplomatic missions were granted safe passage to leave the country. Press freedom was more evident; labor unions were more active although they were confronted with continued employer resistance to organizational efforts and by bureaucratic delays in complying with legal formalities. The right to private property and to pursue private interests continued to be respected. Among the negative aspects of the year's developments were infringements of the integrity of the judicial process, increased numbers of disappearances, and continued abuses by both guerrillas and security forces.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

During 1984 there were an estimated 525 civilian non-combatant deaths. Some were believed to be victims of the Guatemalan security forces, others victims of the civil defense patrols, and others died from the activities of the four Marxist-Leninist guerrilla groups. In all, approximately 993 persons are believed to have been killed for political reasons or in combat, compared to an estimated 1564 persons killed through political violence and warfare in 1983. As in 1983, the level of violent deaths in Guatemala in 1984 remained significantly below that of 1981 and 1982: 993 violent deaths compared to 3,573 in 1982 and 525 civilian non-combatant deaths, compared to 2,240 in 1982.

While there were fewer reports of violence and political deaths in the countryside, continuing a trend which began after the military coup in 1982, allegations of abuses against Guatemala's Indian population continued to be made. Most of the alleged incidents reported in 1984 involved individuals in isolated areas of the western highlands, an area of Marxist guerrilla activities, where Guatemalan Government forces continued to engage guerrillas. There were no credible reports of massacres during the year.

Many of the victims of guerrilla violence were members of the Government's security forces, but the guerrillas also continued killing municipal workers, farm owners and managers, and other civilians. In at least six incidents reported in July and August in the country's Pacific slope farming area, ranch properties were burned or destroyed, farm workers abused, and several ranch owners fired upon by guerrillas. Two business owners were reported killed.

In August, an insurgent group ambushed a civilian engineering unit of the Guatemalan military which unit was working on a road project in El Quiché Department. Seventeen Government employees were reportedly killed and more than a dozen wounded.

Killings were also reported to have been committed by some of the 900,000 members of the civil defense patrols, sometimes in clashes between neighboring patrols or between civil defense members and civilians over land disputes and in personal vendettas. There were unsubstantiated allegations that in some cases military personnel turned over guerrillas or suspected guerrillas to civil defense patrols for summary execution.

There is no evidence that the Government has consistently punished members of the security forces in cases of arbitrary deaths--although some alleged offenders have been dismissed--but there are reports that members of civil defense forces have been more severely disciplined for abuses. Late in the year seventeen members of one patrol were given thirty-year prison terms for murdering four villagers. A 14-point code of conduct governing standards of behavior for the civil defense patrols was reissued; it emphasized the social responsibility of the patrols.

For many reasons, it is difficult to apportion responsibility for many killings. The guerrillas on occasion use the same weapons, tactics and uniforms as the army in an effort to place blame on government forces. However, the security forces have been charged with using the same tactic. Bodies frequently appear without evidence of who was responsible for the murders--or whether there was, in fact, any political motive for the killing. Such cases, in which there is much speculation and few facts, comprise the bulk of the killings in Guatemala.

There were many examples during 1984 of the kind of violent incidents endemic in Guatemala, including: (A) The August 15 murder of the son of Elder Sesam Lopez, a member of the Constituent Assembly. The father accused certain members of the national police of being responsible for the murder, and the Constituent Assembly passed a resolution demanding an investigation by the Chief of State. The police, denying any role, declared the murders to be the result of common crime and promised to bring the culprits to justice. (B) The discovery of 12 bodies, tentatively identified as highland Indians, in a clandestine grave site in October. The Government announced that the victims had been identified as members of civil defense patrols, implying that insurgent groups were responsible for the murders. (C) The murders, in late October, of two professors of the National University killed in separate attacks. In none of these cases has there been evidence that specifically links the deaths to the victims' political or professional activities, making it impossible to determine the cause or the authors of the act.

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### b. Disappearance

There was an increase in the number of kidnappings and disappearances in 1984. Kidnappings were believed to have been carried out for criminal reasons (ransom gangs and narcotics traffickers), for private vengeance, or for political reasons by various groups including Guatemalan security forces and the guerrillas. The security forces often take into custody suspects for questioning about subversive activities, while officially denying that they have done so. They almost always also deny knowledge of the whereabouts of the disappeared persons in response to inquiries. Some kidnap victims eventually reappear alive; these have included the Christian Democratic Party Youth leader Edgar René Villar, a villager from Santiago Atitlan, an evangelical minister from Guatemala City, the leader of a farm workers union, and several urban union leaders. Several groups of Indians being held captive by guerrilla groups in the interior were rescued by government forces during the year.

Government security forces were alleged to have been implicated in the October kidnapping of Domingo Ochoa, an affiliate of the Union of National Center (UCN) political party. A party spokesman accused an officer of the investigative branch (DIT) of the National Police of responsibility. The UCN spokesman linked the DIT official to the rival National Liberation Movement (MLN) party.

Students and faculty at the National University of San Carlos continued to be the object of kidnappings in 1984. Some of these cases were attributed to government security forces acting against suspected leftist sympathizers or their supporters. A "Group of Mutual Support," formed in 1984 and comprised in large part of families of missing students, named at least 40 relatives as victims of disappearances during the year.

While various cases have been attributed to government forces or political extremists of the far left or far right, the bulk of disappearances are in fact never definitely linked to any faction.

Some disappearances are eventually found to have other explanations. Amanda Avilez, a court official who was declared in an October news headline to have been abducted, was reported by another newspaper of the same date as having been located at a hospital, the victim of an attack by a disgruntled citizen who was upset with a judicial decision the victim had made. Persons involved with the insurgency are known to leave the country for travel to Soviet bloc countries, Cuba, or Mexico, by pretending to disappear. Friends or relatives, uninformed of their intentions, report them as kidnapped or disappeared.

Definitive statistics on the number of missing or kidnapped individuals are impossible to obtain. Foremost among the limiting factors is the accuracy of media reporting, the unwillingness of relatives and friends in some cases to reveal the occurrence, and the inability of outsiders to separate political from other motives. Although there is little consensus on causes of kidnappings, the economic downturn figures prominently. Guatemalan National Police statistics for the first six months of 1984, for 97 solved kidnap cases, state that 90 percent had a financial motive. Whatever the mix of causes, overall disappearances and kidnappings with possible political motivations in 1984 rose to an estimated 425 compared to 307 for 1983.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There is considerable evidence that harsh treatment and/or torture is inflicted upon detained persons in Guatemala. Newspapers report with regularity the discovery of bodies showing evidence of torture. That torture occurs is beyond dispute, but the identity of the perpetrators can be determined only inferentially. Security forces, vigilante groups, guerrilla organizations, criminals, or private citizens at various times have been held responsible for these acts.

In November, the Guatemalan Army rescued some 55 peasants held captive by the guerrillas in an insurgent training camp. The rescued peasants, all in poor health and suffering from malnutrition, were used as servants and camp workers by the guerrillas. Included among them were 35 children.

Some human rights groups assert the existence of secret government prisons where harsh treatment occurs (most frequently mentioned is the basement of the old "Escuela Politécnica"). The Government denies these allegations and, their accuracy has never been confirmed. In late November the Government announced the creation of a Tripartite Commission to investigate disappearances. Allegations that the newly-established "model villages" are somehow equivalent to concentration camps are not credible, and do not accurately reflect the views of inhabitants or most outside observers.

The principal government prison, Granja Penal Pavon, located near Guatemala City was subject to strikes and riots in 1984. Government officials have acknowledged that the prison population of some 2,100 was in excess of the facility's design capacity and that the budget was inadequate for the number of prisoners. Prison officials blamed the overcrowding on insufficient financial resources which prevented the construction of new facilites; much of the violence in that facility was attributed to drug use and trafficking.

Infopress-Centro Americana, in its July 26 issue, reported that 18 prisoners were discovered being held in underground cells at Pavon by a new prison director who replaced his dismissed predecessor, and that the prisoners were returned to the regular prison population.

Government officials periodically took action against police officials charged with violations of law. In July, two policemen were indicted in the beating death of a prisoner in Puerto Barrios. During the course of the year over 400 policemen were indicted, according to government statistics, for various crimes, and over 300 treasury police were dismissed as well on suspicion of complicity in various crimes.

### d. Arbitrary Arrest, Detention, or Exile

Involuntary exile is not utilized as a form of punishment, nor are critics of the Government arrested and convicted on unrelated charges. The current Government facilitated, during 1984, the voluntary departure from the country of persons who sought refuge in the Belgian, Ecuadorian, Venezuelan and, reportedly, other diplomatic missions.

Forced labor is not practiced. Service in the civilian self-defense patrols in many rural areas takes on the character of a requirement for able-bodied males. This practice has come under criticism from the Guatemalan Episcopal Conference whose members consider this a form of involuntary labor.

Under the Guatemalan legal code, persons may not be held for more than 48 hours without being brought before a judge. Despite this and other legal provisions, the illegal detention of individuals suspected of having subversive sympathies continues to be a serious problem. Persons are held incommunicado for varying periods of time, with no clear pattern evident. The Government officially denies that any political prisoners are held in custody.

In February the Government published a list of 87 persons previously reported missing or kidnapped, who were in the custody of the National Police. No names of prominent missing persons appeared in this list, however. The bulk of the individuals appeared to be common criminals. Both National Liberation Movement and United Anti-Communist party spokesmen condemned the irony of writs of habeas corpus having been returned stating that the persons were not in custody, while officials later admitted that they may have actually been in police custody at the time.

In April, a Mexican-based organization aligned with the violent leftist Revolutionary Organization of the People in Arms, requested writs of habeas corpus for 157 missing persons; none was successful. In May the same group requested habeas corpus writs for 54 additional persons, and 51 were successful. Some of these persons were located in prison, having been convicted in regular trials, and others had already been released upon completion or commutation of their sentences. In August, the "Group of Mutual Support for the Safe Return of Our Children, Spouses, Parents and Siblings" published the names and photographs of 120 persons who had disappeared since 1982. Other groups have also petitioned the courts for the release of 310 individuals who had disappeared. In August, the Archbishop of Guatemala, Monsignor Prospero Penados, told reporters that "even though there is no proof, it is possible that some members of the security forces are involved in kidnappings." He acknowledged that it was difficult to assign responsibility to any particular group for a specific act because guerrilla groups commit the same types of acts.

In July, the Government granted a full pardon for all persons who had been convicted on criminal charges by the now abolished secret special courts. The pardon did not apply to civil penalties (restitution to victims, etc.) levied at the same time against those convicted by the special courts. The President of the Supreme Court said that he had no statistics on the numbers of persons processed by the defunct special courts, explaining that many of those arrested were released within hours of arrest without a record being kept; some were convicted by the court of the first instance, but released after review by the court of the second instance; many were transferred to the civil courts for trial; while others were tried, convicted, and sentenced within the special courts. Apparently only in the latter case were complete files kept.

Beginning in about April the Detective Division of the National Police (Departamento de Investigaciones Tecnicas - DIT) allegedly began a practice of arresting and holding defense attorneys for periods of 24-72 hours on charges of complicity when they appeared at the DIT headquarters to provide legal counsel to their clients. The practice was protested to the Minister of Interior by the Board of Directors of the Bar Association during a meeting held on June 11. As of late October, sources reported that the DIT practice had ceased.

### e. Denial of Fair Public Trial

Guatemala's 1965 Constitution was replaced by the "Basic Statute of Government" after the 1982 military coup. Under the Basic Statute, all executive and legislative powers are vested in the head of state, General Oscar Humberto Mejia Victores, and all Government officials serve at his pleasure.

In May, the President of the Guatemalan Supreme Court, Ricardo Sagastume, was dismissed by the Chief of State. The ex-Chief Justice claimed that, among other reasons, he was removed for opposing military interference in the courts. Several other Supreme Court officials and justices resigned in sympathy following Sagastume's removal. His summary dismissal was protested by the Guatemalan Lawyers Association which issued a public statement declaring, in part, that the act "demonstrates once again the lack of independence of the judiciary."

Overt military interference in the courts' operation has declined in recent months, according to authoritative observers. As a practical matter, however, the removal of the Supreme Court President has served to remind all judicial officers of the need to respond to indications of special interest in particular cases by high government or military officials.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.

The Basic Statute guarantees the inviolability of the home, and of personal correspondence and private papers. Prior to August 1983, the State of Exception then in force allowed the Government to restrict freedom of movement, examine correspondence and private papers, and conduct warrantless searches of private residences. During 1984 the Government continued to set up roadblocks in the interior to check documents of travelers and search vehicles for security reasons. Occasionally, security forces have entered homes without warrants in search of guerrilla safehouses or arms caches.

Charges that private correspondence is tampered with continue to be made. Postal authorities acknowledge that this sometimes happens and blame dishonest employees; several postal employees were arrested in 1984. There have also been allegations of mail opened for security or political reasons.

There is no organized system of Government informers or neighborhood watch committees in the urban areas. However, the civil defense patrols in the countryside have served as a means of reasserting government control. Guerrilla groups have killed a number of persons in rural areas whom they accused of being informers. The involvement of large segments of the rural population obviously contributes to the Government's knowledge regarding movement of citizens, an important function of the patrol in countering the insurgency.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The Government affirms these rights, and no major abuses were reported in 1984, nor was there indication of any attempt to prevent the media from freely airing diverse viewpoints and covering the spectrum of political opinion during an election year.

This situation contrasts sharply with that of recent years when the media, newspaper reporters, and broadcast journalists in particular were frequent targets of political violence from all extremes. Lingering fears serve to limit press freedoms somewhat today. While opposition views and even criticism of the Government are printed and aired freely, with broad-gauged editorial opinions in daily newspapers, journalistic self-restraint results in only perfunctory coverage of such topics as military and national security, corruption, police investigations, and some judicial proceedings. Journalists are not prevented from entering or covering newsworthy events in conflict zones, but they rarely do. Guerrilla organizations and civil rights groups have access to the media through communiques and manifestos; the Government no longer prevents their publication, as it did in past years.

Local reporters are more apt to characterize their inattention to certain stories as a generalized or traditional lack of investigative journalism skills, rather than the bowing to any outside pressure. In the case of foreign journalists, there were incidents reported in 1984 involving two American wire service stringers who may have been subject to harrassment by government officials and/or private security forces as a result of their own news investigations.

Radio is Guatemala's most pervasive medium, with over 100 privately owned stations operating throughout the country. The Government owns and operates six radio stations and one television station which broadcast a variety of news, educational, and entertainment programs. There are four privately owned television stations, plus one religious (evangelical) station, and two independent television news programs. Six major independent daily newspapers are published in the capital; the Government publishes one daily with official announcements/decrees and selected national news items.

There is no censorship of either local or foreign books in Guatemala, but a few local writers and artists continue to live and work in self-exile outside the country. The main campus of San Carlos University in the capital has been a center of political violence in recent years, but the number of persons associated with the university who were victims of disappearances and killings in 1984 declined slightly with respect to previous figures.

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### b. Freedom of Peaceful Assembly and Association

The Basic Statute of Government affirms the rights of petition, assembly, and political association. Through the end of April 1984, some 41 political groups registered and attempted to meet the requirements set by the electoral law regulating the organization of political parties. Of that number, 20 met all requirements and participated in the July 1, 1984 Constituent Assembly elections, which international observers characterized as free and honest. Throughout the electoral campaign, the freedom of political assembly was respected by the Mejia Government and only scattered incidents of interference with the political process by officials at the local level were reported.

The Basic Statute of Government recognizes the right of workers to organize and strike in conformity with the labor code, which requires a process of negotiations and conciliation before a legal walkout can take place. These procedures often make it difficult to call a legal strike. According to Government statistics, some 645 labor unions are legally recognized by the Ministry of Labor; of this number, 381 are active. The balance are inactive largely as a result of repression by the Lucas Garcia Government (1978-82) and the continuing economic difficulties. Less than 10 percent of the Guatemalan labor force is currently organized.

Trade union organization is basically divided into two types; legally recognized and active centrals, and underground centrals. The largest and most significant labor central in Guatemala is the Confederacion de Unidad Sindical Guatemalteca (CUSG), which was recognized by the Government in November, 1983. CUSG is a democratic confederation that follows the principles of the free trade union movement and emphasizes economic unionism. In mid-1984 it consisted of twelve urban and rural trade union federations with approximately 165,000 members.

The Federacion Autonoma Sindical de Guatemala (FASGUA), the trade union arm of the Guatemalan Communist Party, with some 6,500 members, and the Central de Trabajadores (CNT), a Marxist-dominated ad hoc group of union locals without legal recognition, representing about 4,000 members, comprise the "political underground" unions in Guatemala. In May 1984, FASGUA and CNT formed the Coordinating Committee of Organizations for National Syndicalist Unity (CONUS). Although locals affiliated with either FASGUA, CNT, or CONUS are often active in labor disputes, these three parent groups are not particularly active within Guatemala. However, they do issue press bulletins and manifestos outside the country.

Aside from trade unions, there are numerous professional and trade associations in Guatemala. These groups operate autonomously, without Government interference and often exercise considerable political influence.

During the first 6 months of 1984, 11 leaders of left wing or unrecognized unions either were murdered or disappeared. Of the latter group, two later reappeared. Seven leaders of recognized unions were also abducted but were released after a short time.

### c. Freedom of Religion

The Basic Statute of Government recognizes the individual's right to freedom of conscience and to the free exercise of religion. These rights are respected in practice. The Statute also grants legal recognition to all denominations.

More than 70 percent of the population adheres to the Roman Catholic faith. Many Indians, however, practice religion which combines Roman Catholic tenets with elements of the traditional Mayan religion. Evangelical churches have grown rapidly, especially among Indians, and their followers number about one quarter of the population. In addition, there is a small Jewish community.

There has been active proselytizing and religious work in the country by foreign Catholic clergy and religious workers. Foreign Protestant evangelical clergy remained in the country after General Mejia came to power. They have been joined in their efforts by local representatives of Guatemala's growing evangelical movement. A result of this religious mix and zeal has been some tension between Catholics and Protestants. Although authorities deny any deliberate policy of discrimination, evangelicals nevertheless have charged cases of intimidation by the national police.

Neither Catholics nor evangelicals have registered claims that they cannot preach the gospel or develop congregations, but some Protestants have complained of unequal treatment in certain matters. For example, they have claimed that land owned by the Government is available to them only at extremely inflated prices and that aid items, such as clothing from foreign charitable organizations and affiliated church groups, are subject to duties not levied on the Catholic Church. Others maintain very good relations with authorities and report excellent cooperation by government officials.

In 1984 the Catholic Church exercised the freedom of conscience provided by government statute as it took outspoken stands on human rights issues. The hierarchy issued a pastoral letter in June which called for the disbanding of the civil defense patrols because of the time and effort taken away from the pursuit of their families' livelihood. The letter also called for respect of human life, protection of the family, and freedom to speak, organize and move about openly. Separately, the Archbishop registered to vote and urged all citizens to exercise their franchise in the Constituent Assembly elections. In October he spoke out again, stating that the freedom to exercise one's rights was being impeded. Despite these frank criticisms, the Archbishop did acknowledge that the human rights situation in Guatemala had visibly improved. The Government's response to the Archbishop was to say that officers responsible for actions outside of the law had been discharged or brought before the courts. The church and Government have maintained regular contacts, including at the highest levels, which are described by both sides as cordial.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government does not limit the freedom of movement of its citizens within the national territory. There are no restrictions on foreign travel or on the right to reenter the country. All citizens are free to migrate to other countries.

In early 1984, international organizations assisting refugees estimated that some 46,000 Guatemalan refugees, mostly Indians from areas affected by insurgent activities, had sought refuge in Mexico, primarily in the border areas of the State of Chiapas. Since 1982, the Government has followed a policy of encouraging the voluntary repatriation of all refugees and assisting their reintegration into the country. Following a general decline in guerrilla activity, and the decision by Mexico to relocate the refugees away from the border, refugees began to return to Guatemala, mostly in small groups. The Government has welcomed them and provided assistance for their return to their former homes, or in cases where their homes were destroyed during the insurgency, to one of the model towns in the "Polos de Desarrollo" (rural resettlement program).

In addition to the refugees who sought haven in Mexico, a major by-product of the insurgency was the internal displacement of as many as 400,000 persons during the past three years. Both Government and private agencies working with displaced persons agree that the actual number is now substantially below that figure. Various government programs have resulted in assistance to almost all the displaced and the permanent resettlement of the majority.

Following a pattern that began under the Rios Montt Government in 1982, Guatemalans living in voluntary exile continued to return to the country in 1984. This trend was further encouraged by the successful Constituent Assembly elections. Representatives of the major political party in exile, the Social Democrats, have visited the country as a public prelude for their return.

Exiles from other countries in the region have sought and been granted asylum during the past year.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Guatemala continued to be ruled throughout 1984 by a de facto military-controlled Government which took power following a coup on August 8, 1983. General Oscar Humberto Mejia Victores was elevated to the position of Chief of State, while retaining the dual function of Minister of Defense. He governs with the advice and consent of a Council of Military Commanders through a Cabinet of Ministers composed of both military officers and civilians.

On January 19, 1984, the Mejia Government convoked the election of a Constituent Assembly to take place on July 1, 1984. Under the direction of an autonomous Supreme Electoral Tribunal, established during the previous Government and composed of reputable civilians, and a subordinate Citizen's Registry, some 17 political parties and 3 additional department civic committees completed requirements to contest the elections. Some 1,157 candidates ran for the 88-seat Constituent Assembly, and 2,554,000 citizens, out of an estimated 3.5 million eligible, registered to vote.

The elections took place as scheduled with over 72 percent of the registered citizens casting ballots. Nine parties, including two running in coalition and one civic committee, won seats. International observers from nine countries and the Organization of American States were present throughout the country on election day and, without exception, testified to the openness and honesty of the process.

The mandate of the Assembly is to draft a new constitution and new laws of habeas corpus, elections, and protection of constitutional rights. The Assembly, inaugurated on August 1, 1984, was considering a draft of the new constitution at the end of December, after studying proposals from various sectors including universities, the Lawyers Guild, and political parties. The timetable for completion of the constitution and related laws is early 1985. Chief of State Mejia has stated publicly on various occasions that his Government will guarantee free and open national elections, and will hand over power to the winners in 1985. Parties of all democratic tendencies will be able to participate in the national elections, including those which return from exile, provided they are able to meet the requirements of the new electoral law.

## Section 4 Government Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights.

The Government maintained an open door to visits by human rights groups during 1984, but few came in comparison to the previous year. The Government continued to cooperate with the United Nations Human Rights Commission's Special Rapporteur on Guatemala, Viscount Colville of Culross, who visited in August 1984, following earlier visits in June and November 1983. He met with the Chief of State, the Foreign Minister, Supreme Court and Constituent Assembly presidents, representatives of labor organizations and political parties, and traveled to interior locations. In public statements, Lord Colville stated that he found the situation in the interior to be tense, and guerrillas still active. He praised the honesty of the July 1 Constituent Assembly elections, but expressed concern over continued violence, shootings, and kidnappings. He was further quoted as stating "I consider that human rights have improved, even though there has been a small escalation during recent months (of incidents)." The formal report of his latest visit was issued in late October. On December 7, 1984, the United Nations Human Rights Commission adopted a resolution on the situation of human rights in Guatemala which, while noting the report of the Special Rapporteur and welcoming several positive developments, was generally critical. The U.S. Government opposed the resolution as unbalanced in that it appeared to apply only to the Guatemalan Government and ignored violations committed by the guerrilla insurgents. The U.S. did support the extension of the mandate of the Special Rapporteur.

The Regional Delegate of the International Committee of the Red Cross visited in March 1984. He was received by senior civilian and military officials of the Government.

The Government expressed sharp objection to a report issued in September by the Inter-American Human Rights Commission (IAHRC). The IAHRC charged that since the advent of the Mejia Government, death squads have reappeared, bodies are found along roadsides, and "more than 600 persons have been killed among other violations." The IAHRC also denounced the judicial system as "dependent, subordinate and submissive to the Executive," and for its failure effectively to apply habeas corpus. The Foreign Minister publicly announced that Guatemala had sent a letter to the Commission pointing out mistakes in the report. He noted that the Government had invited the Commission to visit one year ago but it did not accept, and that the observations in the report were made without an on-site visit. The letter argued that the IAHRC report was based on "accusations made, often by groups supportive of the subversive movement that seeks through violence and terror to institute a Marxist-Leninist regime in the country." Mentioned as one such group was the Mexican-based Guatemala Human Rights Commission. The letter also noted the failure of the IAHRC to mention the report of the United Nations Special Rapporteur.

After many years of concern regarding the application by Guatemala of the Conventions of Freedom of Association and Protection of the Right to Campaign and on Abolition of Forced Labor, the International Labor Organization's Committee on the Application of Conventions and Recommendations in its 1984 report noted "with satisfaction" that the state of exception which had suspended trade union activities was over and that a process of democratization had begun which would also lead to the reestablishment of freedom of association. The Committee noted that a draft legislative decree had been prepared which would meet all the concerns previously raised by the ILO. The Committee requested the ILO to assist the Guatemalan Government in the rapid elaboration and adoption of the decree.

In Amnesty International's 1984 report entitled "Torture in the Eighties", the section on Guatemala states that "under successive regimes during the period under review, opponents or suspected opponents of the Government have been systematically seized without warrant, tortured and murdered." The report contains no reference to events beyond August 1982. An Amnesty bulletin released in March 1984 focused on alleged violations of human rights of faculty and students at the National University, and blamed government security forces for detentions and disappearances during the period July 1978 to August 1983. In its yearly report for 1984, a summary of 1983 analysis, Amnesty charged that "forces acting under government orders or with official complicity continue being responsible for a massive violation of human rights." Amnesty spoke of a notable increase in "death squads"-style disappearances and extrajudicial executions in Guatemalan cities during the 1983 period, yet observed that there were fewer such executions of non-combatant civilians in government-controlled rural areas, excepting an increase of abuses in areas still in contention. Both the Rios Montt and Mejia Governments have publicly stated that Amnesty International is free to visit Guatemala to observe conditions first hand. Amnesty's response in the past has been that it is awaiting a formal written reply to a communication it sent that would constitute a formal invitation.

A subcommittee of the American Bar Association, in a July 1984 letter, took issue with a Guatemalan Government circular communication claiming the existence of an "international campaign to discredit the interests of the people of Guatemala." The Association called on the Guatemalan Government to take a series of steps to improve fundamental rights.

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A memorandum issued in September by the Americans for Democratic Action classified the human rights situation in Guatemala as "very complex", noting that there appear to be fewer violations in the countryside but an increase in urban disappearances. It observed that "a fair election with the participation of the left is considered by many the best hope for resolving the long Guatemalan nightmare."

The "Group of Mutual Support for the Reappearance, With Their Lives, of Our Children, Spouses, Parents and Siblings" came into being in 1984 and has received support from the International Peace Brigades based in Canada. Composed of approximately 150 persons, the group has requested government help in efforts to locate missing relatives. Representatives of the group have met with many sectors in Guatemala, sponsored a mass at the metropolitan Cathedral in August, and a peace march through the capital in October. Government officials have met with the group and allowed the march, which took place without incident. In December, the group met with General Mejia who announced a tripartite commission would be formed to investigate the cases of missing persons.

### ECONOMIC, SOCIAL AND CULTURAL SITUATION

Guatemala's population topped 8 million in 1984, but only a small portion enjoys a high standard of living. Though there is a small and growing middle class, the majority of the population lives in the countryside, working small farms, hiring out during the harvests of the export crops, or engaging in cottage industry. The Guatemalan economy has been in recession since 1980; thus while the population has been growing at an annual rate of 3.1 percent, per capita income declined from $1,141 in 1981 to $1,128 in 1982. The recession has forced the Government to cut back sharply its public investment program. Political instability in Central America, low commodity prices in world markets, and the disruptive effects of the insurgency on internal demand have restricted improvements in unemployment and underemployment levels, which according to official figures are above 8 and 32 percent respectively.

In 1977, the latest year for which there are statistics, the caloric supply available for consumption was 92.2 percent of nutritional requirements. Notwithstanding considerable public investment in potable water projects, medical centers, and clinics, health services and sanitation are generally poor in rural areas, where available at all. In 1976, again the latest year for which figures are available, 40 percent of the total population, but only 14 percent of those living in rural areas, had access to safe drinking water. Life expectancy at birth rose from 58.9 years in 1981 to 60.99 years in 1984, but the infant mortality rate has risen from 62 per 1,000 live births in 1983 to 63 in 1984. In 1977, 21 percent of the urban population and 25 percent of the rural population were below the absolute poverty level.

The adult literacy rate was estimated at 46 percent in 1973 with males 53.6 percent and females 38.5 percent; the adult urban population was 71.8 percent, and the adult rural population 31.4 percent. As of 1980, the enrollment in primary school (as a percentage of primary school aged children) was 68.47 percent with males 73.73 percent and females 63 percent. Since half the population of Guatemala are comprise Indians, who learn Spanish as a second language, literacy is a particularly difficult problem. To attack it and address the educational needs of the Indian populace, the Government has developed a bilingual language program.

Population growth and economic development as well as other pressures are resulting in a slow shift of some Indians away from total identification with traditional Indian society, but the incorporation of the rural Indian population into the political, economic, and social mainstream of the modern sector will remain a long, difficult process, complicated by the longstanding, traditional animosities between the Indians and the ladinos. The Mejia Government is concerned about the resettlement of displaced highland Indians on their own lands and their return to agricultural self-sufficiency after the dislocation suffered as a result of civil conflict. Personnel working with the Salvation Army have said that based on their current knowledge the number of affected persons reported in earlier surveys (approximately 400,000) was greatly overestimated. Many displaced families rather rapidly re-established themselves on or near their lands and are again working their fields. The current official estimate of persons geographically displaced from their lands and living elsewhere in the country is around 8,500.

Encouraged by the large number of people who had returned to their lands, but who needed greater protection, the Government devised and put into action a model town plan known as the "Poles of Development." The program is a joint civilian/army effort to reconstruct and resettle 19 villages on or near their original sites. The towns each have a potable water supply and electricity, at least one school, a church, postal and telegraph service, private bus service, and a small army stockade nearby. All families will be given title to their homes. Access is not controlled. The military offer protection from insurgents. Thus far, nine villages have been completed and are inhabited.

Guatemala is a Latin society in which most women play traditional roles; there is no discrimination against women by law, but de facto discrimination is rooted in centuries of cultural practice.

Although figures show that over one-half the female population has not been educated and that 94 percent of the women residing in rural areas had less than three years of schooling in 1978, it is estimated that 30 percent of the students enrolled in Guatemalan universities are women. They generally study education, law, humanities, business administration, pharmacy, and psychology and go on to careers as health workers, teachers, or office workers. The number of women occupying professional and managerial positions is nevertheless small.

A few women university graduates have risen to high positions. General Mejia appointed Lic. Eugenia Tejada de Putzeys as Minister of Education, making her Guatemala's first woman Cabinet minister, and a woman heads the National Tourism Office. A woman also served in the dual role of Dean of the Law Faculty at Rafael Landivar and as a member of Guatemala's Supreme Court (from which she resigned following the replacement of Chief Justice Sagastume in May). Other women serve as judges of lower courts, principally in the area of family law. The Ministry of Labor established an Office of

## GUATEMALA

Women's Affairs which has responsibility for encouraging the advancement of women.

While the participation of women in politics has been limited, 1984 witnessed a stirring of overt enthusiasm and organizational effort. In the July 1 Constituent Assembly elections three women were elected to the new 88-member Assembly. Only three other women had been elected to National Congress in the previous 35 years, and none to past Constituent Assemblies.

The Vice President of the Guatemalan Journalism Association, a woman, is an active contributor to the Association's work, which includes input to the Constituent Assembly. Their predominance in the textile industry has led one woman to be chosen Secretary General of the National Federation of Textile Workers.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: GUATEMALA

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 15.5 | 29.6 | 20.3 |
| LOANS.............. | 3.0 | 17.5 | 6.7 |
| GRANTS............. | 12.5 | 12.1 | 13.6 |
| A.AID ................. | 8.2 | 22.3 | 4.5 |
| LOANS.............. | 3.0 | 17.5 | 0.0 |
| GRANTS............. | 5.2 | 4.8 | 4.5 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 10.0 | 0.0 |
| B.FOOD FOR PEACE....... | 5.6 | 5.4 | 13.2 |
| LOANS.............. | 0.0 | 0.0 | 6.7 |
| GRANTS............. | 5.6 | 5.4 | 6.5 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 6.7 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 6.7 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 5.6 | 5.4 | 6.5 |
| E.RELIEF.EC.DEV & WFP. | 1.3 | 1.1 | 1.9 |
| VOL.RELIEF AGENCY..... | 4.3 | 4.3 | 4.6 |
| C.OTHER ECON. ASSIST... | 1.7 | 1.9 | 2.6 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 1.7 | 1.9 | 2.6 |
| PEACE CORPS...... | 1.7 | 1.9 | 2.6 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 15.5 | 29.6 | 20.3 |
| LOANS.............. | 3.0 | 17.5 | 6.7 |
| GRANTS............. | 12.5 | 12.1 | 13.6 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 45.9 | 102.4 | 134.5 | 1136.1 |
| IBRD | 0.0 | 18.5 | 50.0 | 346.0 |
| IFC | 0.0 | 0.0 | 0.0 | 18.2 |
| IDA | 0.0 | 0.0 | 0.0 | 0.0 |
| IDB | 42.5 | 83.3 | 84.5 | 738.3 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 0.9 | 0.6 | 0.0 | 22.3 |
| OTHER-UN | 2.5 | 0.0 | 0.0 | 11.3 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## GUYANA

Guyana is a small, poor country dominated by President Forbes Burnham and his People's National Congress (PNC) party. The PNC came to power in the British-supervised elections of 1964, the last unquestionably free elections held in Guyana. Constitutionally, Guyana is a republic with an executive president, parliament, independent judiciary and a multi-party system. Since independence in May 1966, President Burnham and his party have increasingly consolidated political power through elections in 1968, 1973 and 1980, which many Guyanese believe were tainted by fraud and the intimidation of political opponents.

Guyana is a multi-racial society where, for the most part, ethnic groups live in tolerance and harmony. Nevertheless, race has played a significant role in determining affiliation with political parties. Party affiliation has tended to be based more on race than on ideology. Although many members of the Indo-Guyanese community claim that the Government discriminates against them on racial grounds, Indo-Guyanese continue to dominate the commercial life of the country. The PNC has drawn its support primarily from Afro-Guyanese, who comprise about forty-three percent of the population and are largely urban dwelling.

The PNC, declaring itself a socialist party based on Marxist principles, claims it wants to make Guyana a non-aligned, socialist, cooperative republic. In 1974 President Burnham declared the supremacy of his party over all other Guyanese institutions.

The main opposition party, the People's Progressive Party (PPP), is an orthodox, pro-Moscow Marxist-Leninist party. The PPP, headed by former premier Dr. Cheddi Jagan, draws its support from Indo-Guyanese, who comprise fifty-one percent of the population. Although its appeal may have lessened, given a chance to compete fully and freely with the PNC in fair elections, the PPP could still be a force to be reckoned with in Guyana.

The United Force (UF) and the Democratic Labour Movement (DLM) are small parties espousing democracy and free enterprise. The Working People' Alliance (WPA) is a small multi-ethnic opposition political party which "aspires to be Marxist-Leninst." It has not yet opted to participate in elections which it claims would be rigged in favor of the PNC.

In 1984, the Government showed some degree of heightened sensitivity to human rights when government media commented on the "1983 Country Report on Human Rights Practices" in Guyana. These comments were primarily critical of the report. Another new development was that several members of the police force were charged with the killing of suspects held in police custody. Off-setting these improvements were continued infringements on the freedoms of press and assembly and harassment of the opposition.

## GUYANA

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

No politically motivated killings occurred in 1984. However, opponents of the Government have charged that at least sixteen individuals, including some escaped prisoners and wanted men, were killed in confrontations with the police in 1984. The police claim to have shot them in self-defense. Political opponents of the PNC called for police to hold inquests into these deaths but have not claimed that these killings were politically motivated. In April 1984, two members of the police force were charged with manslaughter in the death of a young man who died of injuries sustained while in police custody. Another policeman was charged with murder in the shooting death of a 24 year old man in July 1984.

#### b. Disappearance

There were no politically motivated disappearances, clandestine detentions, or abductions in 1984.

#### c. Torture and Cruel, Inhuman or Degrading Treatment or Punishment

Although mistreatment of suspected criminals by police continued in 1984, there is no evidence to suggest that senior officers condone these pactices, and torture is not used as a deliberate tool of political control. However, authorities have not responded publicly to allegations that torture and mistreatment take place, and the frequency and detail of the allegations suggest a serious decline in discipline and standards in the Guyana police force, which has been conceded by senior officials. The Guyana Human Rights Association alleged for example that in April 1984, while being held in police custody in Mabaruma in connection with the theft of some smuggled goods, an Amerindian was subjected to "electric torture and an especially severe beating after which he collapsed." The report did not suggest that Government authorities condoned the conduct of the police, nor did it assert that the case was politically motivated. However, another report by the Association concerning detainees who were questioned about an alleged plot against President Burnham stated that the detainees claimed to have been transferred to various detention centers blindfolded, never being allowed to see the persons in charge of them or those who interrogated them or brought them food. Several of the detainees further alleged that they were "physically assaulted" by the police and that they were the victims of "psychological torture," their heads being covered by cloth bags while a gun was fired close to their ears.

Physical conditions within prisons have deteriorated in recent years. Jails are said to be filthy and overcrowded. Prison diets are alleged to be inadequate.

#### d. Arbitrary Arrest, Detention or Exile

The National Security Act authorizes searches without a warrant and preventive detention for up to three months without charges. Both ordinary citizens and members of the political opposition have been detained for brief periods without charges being stated or on charges of doubtful validity. The ensuing litigation is time-consuming and expensive. Although courts frequently dismiss charges with obvious political motivations, the Government tries to use the legal system, including the police, for political purposes. The arrest of Paul Nehru Tennassee, President of the Democratic Labor Movement, a minor political party, at the Timehri International Airport is a graphic example of such efforts. Tennassee was eventually convicted of failing to list forty Guyana dollars (US$ 11) on his currency declaration. However, during the five days he was held by police (until the hearing on a writ of habeas corpus) Tennassee was questioned about an alleged plot to assassinate or overthrow President Burnham.

According to the Guyana Human Rights Association, early in 1984, five unidentified Guyanese were detained for up to a week without their whereabouts being made known to relatives or lawyers. All were questioned about an alleged plot against President Burnham. They were released without any charges being filed against them.

There have been no summary exiles from Guyana. The right of habeas corpus is provided in the Guyana Constitution. In practice, it is effective if and when it can be employed through access by a detainee to friendly parties.

### e. Denial of Fair Public Trial

As a former British Colony, Guyana maintains a British common law system and legal procedures, and almost all of the members of Guyanese judiciary were trained in the United Kingdom. Guyana has a functioning bail system, and defendants are accorded fair public trials and are represented by counsel. Timely charges are usually presented and appeals can be made to higher courts. There are no special courts for political security cases nor any political prisoners. In general, judges of high personal integrity sit on the bench. Despite insinuations by the opposition about the independence of the judiciary, less partisan lawyers regard the judiciary as fairly independent. It is possible to win in court against the Government. Opponents of the Government complain that some magistrates have been too zealous in enforcing the Government's economic policies, particularly those involving banned food imports. They charge that magistrates often hand out harsher sentences to individuals found guilty of these "economic crimes" than to individuals guilty of violent crimes against persons and property. Magistrate Vernon Persaud was dismissed for refusing to sentence persons guilty of possessing contraband wheat flour. Wheat is not grown in Guyana, and by law it cannot be commercially imported.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Wiretaps, mail interception and physical surveillance are used to monitor and intimidate political opponents of the Government. Public sector employees, who constitute 51 percent of the work force, are frequently required to attend certain ruling party functions and allegedly coerced into working at Hope Estate, a government-owned coconut plantation, in order to keep their jobs. The Government's emphasis on agriculture in the schools has led to small school children doing physical labor in school agriculture plots.

## GUYANA

Critics charge that authorities at Timehri International Airport are engaged in illegal random "body searches" of travelers, on suspicion of their violating foreign currency control regulations. The Guyana Human Rights Association has stated that this practice has no legal basis because, according to Guyana's exchange control legislation, police must have "reasonable grounds for suspicion." Police practices of searching an entire planeload of people or conducting "spot checks" may violate the law, but the constitutionality of body searches at exit points in Guyana has not been challenged in court.

### Section 2 Respect for Civil Rights, Including:

#### a. Freedom of Speech and Press

Constitutionally, the Government affirms freedom of speech and press but in fact, it controls the media both directly through ownership and indirectly through control of the importation of newsprint. The Government presents its views in the government-owned "Guyana Chronicle" and the ruling party's "New Nation." Opposition viewpoints are freely expressed without prior censorship in the several weekly papers published by opponents of the Burnham Government. However, the Government allocates to its papers a disproportionate amount of the scarce newsprint imported into the country, and disallows increased importation of paper, even if no foreign exchange is required. It has also used libel suits against opposition newspapers which are drawn out over an extended period to intimidate them.

Guyanese can receive printed materials from abroad, but foreign exchange is generally not available for subscriptions to foreign publications. "The Caribbean Contact," a monthly regional newspaper which is published in Barbados and which is generally hostile to the Burnham Government, is sold locally without any restrictions.

The Government owns the country's only radio station, the Guyana Broadcasting Corporation, which broadcasts the BBC World News Service twice daily. Foreign stations can be heard on shortwave or mediumwave. Some radio interview programs allow public criticism of the Government.

The Government asserts that state-owned media should serve "developmental" needs. As a result, the government media seldom run items unfavorable to it and news gathering efforts are limited by journalistic self-censorship. Objective reporting has occasionally cost journalists jobs within the government-owned media.

The Guyana News Agency (GNA) edits items which the government media receives from wire services. However, since the Soviet news agency "TASS" installed a teletype machine at the headquarters of the "Guyana Chronicle" and GNA, much of what has appeared in the government-owned press has been actual TASS and Cuban Prensa Latina wire service articles. This extends even to articles about U.S. domestic affairs.

The Government record on academic freedom is mixed. Several opposition Working People's Alliance leaders teach at the University of Guyana, and opposition parties have organized student groups there. However, some teachers critical of the Government's educational policies have been summarily fired without explanation.

### b. Freedom of Peaceful Assembly and Association

The Constitution guarantees freedom of assembly and association. In general, individuals can freely associate, although under the Public Order Act, police permits are required for public political meetings. At his discretion, the police commissioner can refuse permission for a meeting without any apparent legal requirement for him to state a reason for refusal. Opposition political parties have occasionally been denied permission to hold public meetings, particularly in Linden, the center of the bauxite mining industry. Both the Peoples Progressive Party and the Working Peoples Alliance have had meetings disrupted by the police or by thugs believed connected to the ruling party.

Workers in Guyana are free to join unions. During 1984, a number of unions in Guyana exercised the right to strike, predominately in the government-owned sugar industry. Although the Government has the authority to declare any strike "political or illegal" it has not exercised that right since 1977, but the mere existence of the authority has an intimidating effect upon independent trade union activity. The Trade Union Congress (TUC) is the umbrella organization for the Guyana labor movement with responsibility for centralized collective bargaining. Until recently, a majority of the unions in the TUC were pro-Government, and these unions have had disproportionate voting power in electing the executive board of the TUC. However, at the 1984 annual TUC conference in October, independent and opposition union leaders defeated the pro-government slate of candidates and elected a number of their leaders to key TUC positions. The election also left the TUC, which had been given far reaching powers to bargain collectively for all unions by the Labour Amendment Act of March 1984, in the hands of union leaders who were generally opposed to the legislation. In November 1984, President Burnham weakened the new leadership by pre-empting TUC negotiations for wage increases of public sector employees when he unilaterally determined and announced an increase in wages. That same month, pro-government unions walked out of the TUC annual delegate conference.

The 1984 Labour Amendment Act presents a significant challenge to the traditional rights of trade unions to bargain collectively on behalf of their members. The Act made collective agreements binding in law; agreement between the Government and the TUC were made binding on all public sector employees, and on member unions, whether the respective unions were in favor of the agreement or not. The Act rendered void the appeals court decision which required the Government to pay back-wages to sugar workers by amending the Constitution to exclude "wages" from the definition of fundamental property rights protected by the Constitution. The constitutionality of the Labour Act is currently being challenged in court; arguments have been heard, and a decision is now awaited in the case.

Unions, trade assocations, private associations, and professional bodies are permitted freely to maintain relations with recognized international bodies in their fields, both public and private.

### c. Freedom of Religion

There are no religious restrictions in Guyana; 57 percent of the population is Christian, 33 percent Hindu, and 9 percent Muslim. The Constitution guarantees freedom of thought and religion. There is no favored state religion, and foreign missionaries are permitted to enter the country to proselytize. Adherence to a particular faith does not confer any advantages in civil, political, economic, military or other secular status.

### d. Freedom of Movement within the Country, Foreign Travel, Emigration and Repatriation

Freedom of movement within Guyana is guaranteed by the Constitution and is, in practice, usually permitted. However, since the colonial period, travel to certain Amerindian areas has required government permission. Sometimes permission has been withheld from opposition political figures, Catholic missionaries, foreign diplomats, and scholars, apparently on political grounds.

Although Guyanese are free to travel abroad, to emigrate, and to return to Guyana, opposition politicians have been stopped and searched at police roadblocks and upon entering or leaving the international airport. On October 25, 1983, the Government issued a directive that public servants would not be allowed to spend their leave overseas for reasons related to foreign currency shortages. Although these reasons may have been valid, some public servants saw the move as political--to halt the "brain drain." After a flurry of resignation letters, the directive was rescinded on November 1, 1983.

During 1984, no Guyanese had his citizenship revoked or his passport taken away for political reasons.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

President Forbes Burnham and a small group of senior officials rule Guyana, meeting in Cabinet sessions or in closed meetings of the ruling People's National Congress inner circle. In almost all matters, the President himself makes the final decision. The Burnham Government has ruled Guyana for twenty years, preserving the facade of parliamentary democracy without the substance. The Party has employed the government apparatus to advance its aims and to maintain political power in the hands of a ruling elite. Party loyalty is the road to advancement. Since the public sector employs over half the work force in Guyana, civil servants are reluctant publicly to criticize the Government, although most Guyanese freely voice their opinions in private.

Guyanese who are not members of the ruling party elite have been effectively denied meaningful participation in the decision-making processes of the state. Every election since 1964 has been marred by fraud and intimidation of the opponents of the Peoples National Congress Party. Opposition parties are able, albeit with some difficulty, to hold public political rallies, to organize, and to publish their newspapers. However, the majority of the people lack any effective means to register their support for political and economic changes. Many Guyanese perceive voting in general elections as a waste of time since results seem to be predetermined in favor of the PNC.

The opposition, though weak, fragmented, and largely ineffectual, has (with the exception of the Peoples Progressive Party) formed a loosely organized coalition to press the Government to hold free and fair elections under international supervision. However, there has been no sign that the Burnham Government would accept neutral international observers to witness the holding of general elections which constitutionally must be called in 1985.

### Section 4 Government Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Burnham Government does not publicly admit to any human rights violations and regards outside criticism of its human rights practices as interference in its internal affairs. However, in 1984 Government media engaged in a critique of last year's edition of this Report as it related to Guyana. Guyanese comments ranged from outright denunciation to more moderate discussions of the Report's contents and conclusion.

Although visits by international human rights organizations have not been encouraged, they have been permitted. In 1982, Amnesty International sent observers to the trials of Donald Rodney, accused in the death of his brother, the leader of the Working People's Alliance, and of Ivan Sookram, a member of the Working Peoples Alliance, accused of training and arming a group for the overthrow of the Government. Rodney was convicted, and his case is pending further appeal. Meanwhile he has been granted political asylum in the United Kingdom. Sookram's case was dismissed by the courts and subsequently reinstitututed several times before he was finally acquitted.

The Guyana Human Rights Association (GHRA) is a non-governmental organization formed in late 1979 with support from trade unions, professional organizations and churches. The GHRA monitors human rights practices in Guyana and publishes periodic press releases and an annual report on human rights observance in Guyana. It gathers information from members, victims of human rights abuses, trade unionists, churchmen, other interested parties, official documents and newspapers. The Association has been quite effective in drawing international and regional attention to the human rights situation in Guyana. The GHRA claims that to preserve its objectivity, political activists are discouraged from holding executive positions. However, the government media have denounced the GHRA as an opposition entity, and the Government clearly is irritated by the GHRA's reporting. There has been no physical violence against human rights activists in Guyana. However, one prominent non-Guyanese member was fired from a teaching job at the University of Guyana without explanation.

Guyana has generally not been active in international human rights forums but has paid considerable attention to human rights in South Africa, and is a member of the "Committee on the Exercise of the Inalienable Rights of the Palestinian People."

## GUYANA

In its 1983-84 Report, Freedom House rated Guyana as "partly free."

### ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Guyana has a population of 794,000, estimated to be growing at the rate of 0.4 percent per year, although many observers believe that it is actually declining as a result of emigration. The Guyanese economy is comprised of public, private, and cooperative sectors, with the public sector dominating. Agriculture and mining are the most productive activities with sugar, rice, and bauxite accounting for over 80 percent of export earnings.

Currently the economic outlook for Guyana is bleak. Declining production, obsolete plant and equipment, emigration of skilled personnel, deteriorating social services, and the Government's tight control of the economy along with its self-proclaimed socialist policies have all contributed to the current economic malaise. The Guyanese economy experienced no growth during 1982 or 1983, the GNP declining ten percent a year in both years. Lower world market prices for Guyana's principal exports, relatively higher prices for essential imported goods such as petroleum, adverse weather conditions affecting rice and sugar production, and ineffective management have resulted in a continuing decline of Guyana's foreign exchange earnings and a reduction of the standard of living for most Guyanese. Guyana's dwindling foreign exchange earnings will decrease the country's capacity to import necessary raw materials, equipment, spare parts, fertilizers and insecticides, thereby further reducing production. In addition, business credit facilities have been closed off to local businessmen, as commercial and official debts remain unserviced. Unemployment is estimated at 25-30 percent. Inflation is estimated at 35 percent.

The Government is taking various actions to cope with the severe economic crisis. It has instituted a systen of foreign exchange allocations, whereby certain private and public corporations can retain a portion of their hard currency earnings in order to purchase raw materials and equipment. During 1984, the Government devalued the Guyanese dollar twice and announced that in the future it would use the exchange rate more flexibly as an instrument of economic policy. Negotiations to reach an agreement with the International Monetary Fund on a standby facility have occurred intermittently without success.

The deterioration in the provision of essential services such as water, electrity, santitation, and health care has not been reversed in 1984. Although Guyanese have a life expectancy at birth of 70 years, the infant mortality rate is 33.6 per 1000 live births.

The Government has not allocated sufficient funds to maintain the standards of what was previously the best educational system in the region. Many school buildings are in poor condition, text books and exercise books are in short supply, and the number of teachers has declined. In 1980, the adjusted primary school enrollment rate was 103 percent for males and 105 percent for females. In 1976, Guyana had an estimated adult literacy rate of 91.6 percent. Since 1975 the

## GUYANA

Government has had a formal policy of providing free education from nursery school to university, although it has proven too costly to fully fund.

The Government has been accused of politicizing education, which critics cite as a principal cause of declining educational standards. In a December 1984 edition of the Chronicle entitled "Moulding Students From an Early Age," the most important objectives of the future President's College were cited as "productive work habits, the cooperative ethic and an ideological commitment to socialism." Some teachers already selected to work at the school will undergo "special orientation and training" in Cuba.

Racially, the Guyanese population is divided into 51 percent East Indian, 43 percent African and mixed Africans, 4 percent Amerindian, and 2 percent European and Chinese. Despite complaints that the Government discriminates against nonsupporters of the ruling party, social services and employment in the public sector appear to be open to all in a nondiscriminatory fashion. However, in late 1984, Government raids of private business firms accused by the Government of selling illegally imported goods prompted some Indo-Guyanese to conclude that the raids were racially motivated.

The Burnham Government has emphasized the role of women in development and, in general, has acted to protect and promote women's rights. In 1983, the Government passed legislation to erase the stigma of illegitimacy in Guyanese society and to accord certain legal rights to the children of unwed mothers. President Burnham has appointed many women to governmental and party posts. Guyanese women are serving as government ministers, judges, magistrates, lawyers, doctors, teachers, diplomats and businesswomen. A woman was the Government's preferred candidate for the presidency of the Trade Union Congress. Afro-Guyanese women are among the principal supporters of the ruling party. Nevertheless, most women continue to occupy their traditional role as homemakers, and Guyana remains a male-dominated society.

Guyana's foreign exchange shortage has forced the Government to sharply curtail imports of many food items. The ban on imports of wheat flour and split peas, basic items in Guyanese diets, has been particularly unpopular. Since adequate supplies of substitute foods at reasonable prices are not readily available, this policy may have caused nutritional and dietary problems. Opponents allege that the Government's policy has resulted in an increase in child mortality from malnutrition-related causes. The Guyana Human Rights Association asserts that during the first seven months of 1984, 96 of the 176 children admitted to the Public Hospital Georgetown died, allegedly suffering from malnutrition. In general, defenders of the Government's food self-sufficiency policy argue that although there admittedly is a food distribution problem there is no shortage of food. Results of a 1982 international study on the extent of malnutrition in Guyana have not yet been processed and tabulated.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
## (U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: GUYANA

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 1.9 | 0.1 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 1.9 | 0.1 | 0.0 |
| A.AID ................. | 1.7 | 0.1 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 1.7 | 0.1 | 0.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 0.1 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.1 | 0.0 | 0.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.1 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.1 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.1 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.1 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.1 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 1.9 | 0.1 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 1.9 | 0.1 | 0.0 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 3.7 | 1.5 | 40.7 | 293.7 |
| IBRD | 0.0 | 0.0 | 0.0 | 79.4 |
| IFC | 0.0 | 0.0 | 0.0 | 2.0 |
| IDA | 2.0 | 0.0 | 0.0 | 38.5 |
| IDB | 0.0 | 0.0 | 40.7 | 152.2 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 1.7 | 1.5 | 0.0 | 19.7 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 1.9 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

# HAITI

Haiti has had a turbulent history characterized by alternating periods of authoritarian rule and political instability. Haiti's current ruler, Jean-Claude Duvalier, is the ninth president-for-life in Haitian history. The current president has eliminated such conspicuous violence as the killings and disappearances that marked the rule of his father, Francois Duvalier (1957-71). Although Haiti has made slow and inconsistent progress under Jean-Claude Duvalier toward greater respect for human rights, significant human rights abuses continue. Constitutionally guaranteed freedoms, such as freedom of speech, press, and association, are in practice effectively restricted by other legislation and laws. Due process guarantees relating to judicial procedures are often not respected.

Haiti remains the poorest country in the Western Hemisphere. Though the Government has instituted tax and budgetary reforms, Haiti's economic problems remain serious. The Government has actively sought foreign assistance from Western government and private organizations, and has succeeded in bringing more foreign economic assistance to Haiti.

Constitutionally, Haiti is a republic with executive authority vested in the President. The legislature is unicameral, with members elected for six-year terms. Although the judicial system is independent of the executive branch in theory, this is not the case in reality. In practice, all government powers are concentrated in the presidency. Article 136 of the 1983 Constitution names the President "guarantor of the independence of the judicial power." He also has the power to dissolve the legislature, and during the nine months when the legislature is not in session he rules by decree. Haiti's small regular military force and its militia - the Volunteers for National Security - play little or no direct role in the decision-making process.

In 1984, the Government made human rights progress in some areas but there were setbacks as well. In February, legislative elections were held. The elections attracted a record number of candidates, and two thirds of all incumbents were defeated. In some areas these were the freest elections to take place under the Duvaliers, but there were also abuses and interference by the Government. Some well-known opposition candidates were not allowed to participate, and in some localities the Government resorted to fraud or violence to ensure that government candidates won. In March, President Duvalier wrote public letters to the heads of the police, militia, armed forces, and the Ministers of Justice and the Interior calling on them to respect the law and human rights. These letters began a three-month period during which an atmosphere of liberalization existed. In late May, partly caused by economic conditions but also affected by the President's letters, riots broke out in a number of northern provincial towns. On June 18 the Government detained three prominent journalists for periods of up to 48 hours, one of whom was beaten in the presence of a Minister of State. Two of the three independent weekly publications ceased publication in June; one of these resumed publishing in August. On July 4, police detained Haiti's UNESCO Representative, Hubert De Ronceray, and attempted to detain oppositionist Sylvio Claude. De Ronceray and oppositionist Gregoire Eugene were placed under house arrest in July, but this was lifted in late September Claude remained in hiding, even though the Government had given assurances to foreign diplomats that he was free to return home. In September the Government brought to trial five persons who had been accused of participating in bombings in early 1983 and who had been held more than a year without charges. They were found guilty and sentenced to life imprisonment. One other detainee was released.

In early 1984 the hopes and expectations of many were raised by President Duvalier's March letters, a degree of greater press freedom, and other actions by the Government. The June-July crackdown then proved to be a setback. Late in 1984, however, the Government took some steps which began to recapture the February-May movement toward democratization. Nevertheless, the events of June 18 served as a vivid reminder that, at best, only a beginning has been made toward democratization in Haiti.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

### a. Political Killing

There were no reports of politically-motivated killings by the Government or opposition in 1984. Three persons died in late May when security forces opened fire to suppress riots in the northern city of Cap Haitian, but most objective observers believed that government forces had handled the incident with relative restraint.

### b. Disappearance

There were no confirmed disappearances in 1984. Some reports of "disappearances" were received, but in all cases the person in question was ultimately accounted for.

### c. Torture, and Cruel, Inhuman or Degrading Treatment or Punishment

In one case of torture, Pierre Robert Auguste, a journalist for an independent weekly, was detained by police June 18. During his questioning and in the presence of high ranking government officials, he was beaten with a wooden rod and one finger was broken. In July, Jocelyne Claude, daughter of oppositionist Sylvio Claude, was beaten about the head and body at her home by police attempting to locate her father. The practice of beatings, however, is not believed to be widespread. Most released prisoners report no abuse; international observers who visited Haitian prisons and detention centers in 1984 reported that those with whom they spoke indicated no physical mistreatment.

Prisoners and detainees are normally permitted to receive visitors, food, and medical treatment. However, particularly in the early stages of an arrest, or when prisoners are taken to the Casernes Dessalines barracks, prisoners are often kept in degrading circumstances, such as stripped to their underwear in crowded and unsanitary conditions. Visitors are often not allowed into the Casernes and food is not always provided. Dr. Hubert De Ronceray, detained from July 4-6 , was kept stripped in a small cell with no toilet facilities other than a small bucket. In the provinces, abusive treatment by local authorities is not uncommon. In February, in the town of Berrettes, a loan collector was allegedly beaten by a local official after objecting to the official's misappropriation of a loan payment. In Gonaives in May, one woman reportedly was beaten by the police authorities when she refused to be taken in for questioning. This beating was a contributing factor to the riots in that northern city.

President Duvalier's March letters called on government officials not to engage in abusive practices. The Government also increased the budget for the Ministry of Justice in 1985 and is attempting to make all officials aware of their responsibilities under the law.

### d. Arbitrary Arrest, Detention, or Exile

Under the Haitian legal system, arrests must be based on a charge of violation of a law. A warrant is legally, though not in practice, necessary for arrest. Once a person has been taken into custody, the arresting authority is required by law to obtain a ruling on the validity of the arrest from a judge within 48 hours. Although this procedure is open to considerable abuse, there are indications that the Government has begun to adhere to it, at least in non-security, non-political cases.

Preventive detention is practiced most noticeably in cases related to political opposition acitivites and state security matters. In 1984 the Government detained a number of people for questioning about their political activities. Serge Beaulieu, the only independent candidate in the legislative elections, was detained in March. Three prominent journalists were detained on June 18, and some of their associates a few days later. In July, Hubert De Ronceray, a former minister and prominent social scientist was questioned.

All of the above were released within the 48 hour limit. However, persons detained for security or political reasons are often held incommunicado for indefinite periods. Five persons, all associates of Hubert De Ronceray, were picked up by security forces July 1 and not released until early October. Five associates of Sylvio Claude were arrested in late 1983 and have not yet been tried or released. There are others in the same situation; the total number of persons detained in Haiti without charge is not known. The Government released nine persons regarded as detainees in 1984.

Haitian law requires that charges against arrested persons be filed at least two weeks before a trial. In practice, this is often not the case. The law allows legal counsel for defendants. However, a client is sometimes not allowed to meet with counsel until immediately before the trial. There is no system of bail, though "provisional liberty" can be obtained in some cases. Expulsion of persons who pose a political challenge or security threat to the regime has been used frequently in the past. However, there are no reports of any expulsions in 1984. Gregoire Eugene, who was expelled along with other journalists and labor leaders in November 1980, was permitted to return to Haiti in February 1984.

### e. Denial of Fair Public Trial

Legally the Haitian judiciary is a separate institution. In practice, however, it does not operate independently of the executive branch. The accused are permitted counsel and to know the charges against them. Both juries and judicial tribunals are permitted to hear cases, render decisions, and impose sentences. Defendants have the right to appeal their conviction, which must be done within three days.

In September 1984 five persons who had been held without charges for over a year were tried for involvement in a series of politically motivated bombings in 1982 and 1983. Another person arrested was released for lack of evidence, and two persons believed to be in the U.S., were tried in absentia. The defendants were informed of the charges against them only about one week prior to the trial. The trial itself, which was public, lasted about 14 hours and was in accordance with Haitian legal procedure. Defense lawyers were permitted to call witnesses and generally mounted a strong defense. The defendants were able to testify on their own behalf. They claimed to be involved in smuggling narcotics, rather than attempting to overthrow the Government. All five were found guilty of "plotting against the security of the state" and were sentenced to life at hard labor. The defense has appealed.

Persons detained for political or security reasons in Haiti are seldom charged or brought to trial; some have been held for years. There may be as many as forty or fifty persons in this category in Haitian jails, though the actual number is probably lower. Amnesty International had earlier identified 21 political prisoners being held in Haiti. Some of them appear to have been released during 1984 and it is estimated that from eight to twenty-seven detainees are currently held because of political and/or security reasons.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Searches and monitoring of homes routinely take place without warrants or other judicial authorization. In late 1983 and early 1984 oppositionist Sylvio Claude was placed under house arrest. In July, Gregoire Eugene and Hubert De Ronceray were also placed under house arrest for about three months. This procedure is not legal under Haitian law except in times of national emergency. In July 1984, police entered Sylvio Claude's home without a warrant. Before leaving, they took Claude's printing press and copies of his magazine. A policeman struck Claude's daughter, Jocelyne, on the head with his gun.

A national militia, the Volunteers for National Security (VSN), performs security functions and serves as an informer system reporting on political opposition and threats to the regime. These forces are often poorly disciplined and sometimes abuse their local position through intimidation and interference in police and judicial activities. In his March 13 letter addressed to the militia, President Duvalier specifically called for an end to such practices, as well as to the abuse of power for extortive purposes. In October, the Government appointed a twelve-man commission--five of whom were non-VSN military officers--to oversee the VSN.

## HAITI

### Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Article 40 of the Constitution of 1983 guarantees each citizen "the right to express his thoughts in all matters and by every means at his power." The press is actually governed by the 1980 press code, which requires that all publications be submitted for governmental review 72 hours prior to publication, that all journalists (including foreigners) be accredited by the Ministry of Information, and that no material critical of the Duvalier family be published. While the first two of these requirements are not always enforced, the spirit of the press code and governmental actions do serve to restrict freedom of the press.

In 1984, two independent publications, often critical of the Government, appeared for the first time; the new weeklies, L'Information and Fraternite joined the long-established independent weekly Le Petit Samedi Soir, in introducing an independent tone and editorial line seldom seen in recent years. Articles discussing pluralism, political parties, and the activities of oppositionists proliferated. Sylvio Claude's La Conviction, previously a clandestine newsletter, also appeared on the streets a couple of times, although the Government moved on legal grounds to prevent its distribution in May. In addition, the Catholic station, Radio Soleil, continued its outspoken commentary, denouncing election irregularities in February and speaking out on human rights during the course of the year. From January to June there was some movement toward a freer press in Haiti. On June 18, however, Haiti's fledgling independent press received a severe blow when the Government detained the publishers of the three independent weeklies. Subsequently, Fraternite's Gregoire Eugene was placed under house arrest for three months. L'Information and Fraternite ceased publishing after the incident, though L'Information reappeared in August. Both L'Information and Le Petit Samedi Soir adopted a milder editorial tone after the incident, though by October they had begun to recover some of their prior outspokenness. Fraternite has not appeared since June, when it featured an article by Eugene criticizing the constitutional provision for a presidency for life. There are several pro-government newspapers in addition to the official daily. The Government also owns a radio station and a television station. There is one private television station, and a number of private radio stations operate throughout the country. These exercise self-censorship and refrain from criticizing the Government.

Public criticism is allowed in discussions of the Haitian economy, international affairs, and Haitian history before 1957. Too strident a criticism of the present Government, and criticism of the President or the First Lady, however, is not tolerated. In June, a deputy delivered a speech in the National Assembly attacking high level corruption in the Government. The Government reacted by organizing a petition to recall the deputy; the deputy has since refrained from criticizing the Government. After Fraternite's Gregoire Eugene was detained on June 18, he was removed from his position as professor of constitutional law at the National University. Hubert De Ronceray's Center for Investigation of Social Studies was forced to suspend its activities after De Ronceray was detained in July.

Although foreign publications and broadcasts are received in Haiti, most publications are reviewed by the Government upon arrival to determine whether there are any articles critical of it. If there are, the offending publication is usually confiscated. Publications openly critical of the Government, such as those published by exile groups in the U.S., are not permitted to circulate in Haiti.

### b. Freedom of Peaceful Assembly and Association

The Constitution grants Haitians the right to assemble peaceably and the right to form unions, political parties, and cooperatives. Haitian law requires that any public assembly of more than 20 persons have police authorization and that all formal organizations have governmental sanction. Professional, cultural, religious, trade, and similar non-political organizations operate freely in Haiti, and such organizations are free to maintain ties with related groups outside of Haiti. However, and in spite of the constitutional quarantees of the right to form political parties, the Government continues to ban activities by parties pending the passage of legislation to regulate the operation of political parties.

The Government took a number of important steps in 1984 to improve the situation of labor in Haiti. A federation of union workers of Haiti was founded January 12, 1984, with nine active unions in Port-au-Prince as charter members. The Federation, which represents 2500 workers, has assumed the leading role in union activity in Haiti. Under the sponsorship of the Federation, representatives from its nine affiliates develop joint resolutions to union problems and coordinate assistance to workers throughout Haiti who request aid in forming new unions. The Federation has invited representatives from the AFL-CIO and the Inter-American Regional Organization of Workers to visit Haiti in the near future. The Government has publicly stated it does not object to international labor organizations visiting Haiti.

In March, the Government revised the labor code by making it easier for employees to form unions, protecting the right of Haitians who work abroad, and revising provisions on forced labor to comply with International Labor Organization conventions on forced labor. In May, Federation and union officials met with members of the ILO delegation and discussed the possibilities of international assistance. In June, for the first time in many years, the President of the Federation traveled to the ILO conference in Geneva as the labor union representative on the official Haitian delegation.

While limitations on labor activity continue to exist, such as de facto restrictions on the right to strike, the creation of a federation, the revised labor code, and other measures undertaken by the Government in 1984 have provided for an expansion of the role of labor in Haitian society.

### c. Freedom of Religion

Roman Catholicism is the official religion of Haiti. Voodoo, a religion combining Christian and African animist elements, is also practiced by a majority of the population. Other religions are freely practiced; proselytizing, conversion, missionary activity, foreign ties, building of churches, and religious education and publishing all take place without government interference. In addition to the Protestant sects which are active throughout the country, non-Christian faiths, such as the Bahai and Judaism, are practiced in Haiti. There is no religious persecution or discrimination.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration and Repatriation

The Government does not generally restrict travel within Haiti for ordinary citizens or foreigners. A network of police checkpoints does exist throughout the country, and foreigners and inter-city transport vehicles are required to register before entering some towns. Persons are free to change their residence or place of work as they wish. In 1984 some critics of the Government were restricted in their movements within Haiti. Both Gregoire Eugene and Hubert De Ronceray were told after their house arrest was lifted they would have to seek police permission if they wished to leave the Port-au-Prince area. Foreign travel and the right to emigrate are unrestricted. Emigrants are free to return to Haiti, and many do so. Haitian exit and entry visa and passport regulations and fees do not generally impose an undue hardship on persons desiring to travel. Immigration officials at the international airport do maintain a list persons who may not enter or exit the country because of criminal, security, or political reasons. For the most part, political expellees in recent years have not been allowed to return to Haiti, although Gregoire Eugene was permitted to return in February after three years in exile.

Illegal emigration from Haiti continued to increase in 1984. In accordance with the U.S.-Haitian bilateral agreement on migrant interdiction, 2,501 migrants were returned to Haiti by the U.S. Coast Guard in 1984. This represents fully 73 percent of all migrants returned (3,415) over the 39-month life of the 1981 interdiction agreement. Based on the migrants' own statements, U.S. immigration officers determined that all were intending economic migrants and ineligible for refugee status. Embassy officers have inteviewed one fifth of all interdictees as part of the continuing program to monitor the treatment of repatriated migrants. These interviews generally take place within six months of the return of the attempting illegal migrant. None of the interdictees reported official mistreatment or harassment by Haitian officials as a result of their attempt to emigrate. In accordance with the agreement, the Haitian Government has not prosecuted nor arrested any repatriates for their illegal departure. However, also in accordance with the agreement, the Government has arrested several persons suspected of organizing clandestine voyages, persons crewing such vessels, and persons found in possession of illegal drugs.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Haiti is ruled by President-for-Life Jean-Claude Duvalier, assisted and counseled by a small group of advisors. The Constitution grants the President the right to name the cabinet and all important officials (in the executive and judiciary) and to designate his own successor, all without legislative approval. When the legislature is not in session, the President can make laws by decree. The 1984 legislature was virtually powerless and followed the lead of the President. Legislative elections were held in February 1984. On the positive side, there were a record number of candidates and, in some districts, these were the freest elections under the Duvaliers. However, the Government did not allow such opposition leaders as Sylvio Claude and Gregoire Eugene to participate in the process, and in some districts the Government interfered with the process to ensure that its candidate won through intimidation and altering of the results. In general, however, these elections were less flawed than either the 1983 municipal elections or the 1979 legislative elections.

There are no officially recognized political parties in Haiti. In May, the Government announced that it would submit to the National Assembly legislation to regulate the operation of political parties, but would continue to ban political activity by political parties until the law was passed. Although it was not submitted to the legislature in 1984, in October President Duvalier announced the establishment of a commission to examine the first draft of such a law.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Government is sensitive to its international image in human rights matters. In recent years the Government has augmented its cooperation with international human rights organizations. In June 1984, the Government allowed an International Committee of the Red Cross representative to visit prisoners in Haiti's jails. The representative was able to visit prisoners in the Port-au-Prince national penitentiary as well as the Casernes Dessalines. In October, the representative returned to Haiti and gave President Duvalier a list of recommendations for improvement of the conditions of prisoners in Haitian jails.

During the past year the Government has sought to develop a closer working relationship with the International Labor Organization (ILO). An ILO mission visited Port-au-Prince in May to consider a Government request for new ILO technical cooperation programs. The team met with officials from several ministries, labor unions, the labor federations and international donor organizations. The Government and ILO are engaged in a continuing dialogue concerning Haiti's requests for increased technical assistance and the situation of labor in Haiti.

Two human rights organizations operate in Haiti. The first is the government-sponsored National Human Rights Commission created in 1982. The nine-member Commission meets to investigate citizens' complaints of government abuses. However, the Commission has only advisory powers and does not get involved in "political" cases (Claude, Eugene, De Ronceray). The Commission usually acknowledges receipt of requests from international human rights organizations, but does not respond to all. The Haitian Human Rights League, founded by a local attorney and educator in 1979, is affiliated with the International Federation of the Rights of Man. While articles by individual members of the League appear in the local press, the League was not active in 1984. In September the League published a communique in the local press praising the Government for bringing to trial five individuals accused of participating in a bombing incident in 1983 and calling on the Government to lift the house arrest of Gregoire Eugene and Hubert De Ronceray.

There were other visits of international human rights groups in 1984. A representative of the Lawyers' Committee for International Human Rights visited Haiti in January and met with Sylvio Claude--who was under house arrest at that time--and government officials. Representatives from the United Nations Human Rights Commission also visited Haiti in January and were received by government officials. In September, three representatives of the Committee to Protect Journalists came to Haiti to investigate the June 18 arrests of the three publishers. They met with journalists and government officials.

Freedom House rates Haiti as "not free". Amnesty International's 1984 report (which covered events during 1983) focused on allegations of torture and other forms of mistreatment of prisoners, detention without trial, including unacknowledged detention for long periods of political prisoners, and cases of disappearances.

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Haiti is the poorest and, in most terms, least developed nation in the Western Hemisphere with an annual GNP per capita of about $300. A small elite and a growing middle class in Port-au-Prince control most of the wealth of the country, while 78 percent of the rural population and more than half of the urban population exist in dire poverty. Such extreme poverty has caused massive migration from Haiti. Foreign remittances, estimated to exceed $50 million per year, are a crucial element of survival for many families.

Haiti's population is estimated to be 5.7 million, with over one million in the greater Port-Au-Prince area. Haiti suffers from a lack of natural resources and a terrain which is 70 percent mountainous. In addition, erosion of the topsoil resulting from destruction of the forest cover on the hillsides and the frequent droughts and floods in various parts of the island have lowered agricultural production and the income of peasant families. Coffee, essential oils from vetiver, and mangoes are the primary agricultural exports. Most farming is done on small plots owned by peasant families and subdivided through inheritance over generations, resulting in inefficient agricultural practices. The Government has endorsed the development of agricultural cooperatives to improve productivity and access to markets for farmers in remote areas. Food imports are necessary, and even with them Haitians receive only 93 percent of their caloric supply requirements. More than 60 percent of children under five suffer from some malnutrition, and nearly 10 percent of these are characterized as seriously malnourished.

The most dynamic sector of the Haitian economy is the assembly industry, which has created over 50,000 jobs in the past ten years. This has been due primarily to favorable Government investment policy, high labor productivity, and a low minimum daily wage (currently $3.00), which have attracted foreign businessmen either for direct investment or for subcontracting of assembly operations. Spurred by a growing U.S. economy, which receives over 90 percent of the total output of the assembly industry, and the benefits of duty-free entry into the United States for many products under the Caribbean Basin Initiative (CBI), the assembly industry is expected to grow rapidly in the future.

## HAITI

Haiti has an extremely complex society. Conflicts and suspicions among the various social groups have left little tradition of national service. Mass education, for example, has seldom been encouraged and at times has been actively discouraged. The same has applied to agricultural and infrastructural development, health care, and openness to the world. A consequence of this social disorganization has been lack of respect for political and civil rights by those in positions of authority.

The role of women in Haitian society is limited by the nation's traditionalism. Since 1982 there has been no legal discrimination against women as compared to men. Women enjoy full rights to education and property ownership and such social rights as divorce. Nevertheless, especially among the peasantry, women are limited to traditional domestic occupations. Middle class women quite often work, but generally out of economic necessity. Women comprise a large part of the assembly work force. Secretarial, teaching, and nursing positions are dominated by women. Few women, however, rise to prominent positions in the Haitian business world. As a rule, greater opportunities are available to women in the civilian government bureaucracy. There are two women secretaries of state, and several women of upper- and mid-level managerial rank are in the Government. Women are not permitted in the armed forces, except as nurses.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
## (U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: HAITI

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 34.3 | 46.2 | 46.5 |
| LOANS.............. | 13.0 | 11.0 | 11.0 |
| GRANTS............. | 21.3 | 35.2 | 35.5 |
| A.AID ................ | 12.0 | 27.3 | 25.7 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 12.0 | 27.3 | 25.7 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 10.0 | 5.1 |
| B.FOOD FOR PEACE....... | 22.2 | 18.5 | 19.8 |
| LOANS.............. | 13.0 | 11.0 | 11.0 |
| GRANTS............. | 9.2 | 7.5 | 8.8 |
| TITLE I-TOTAL.......... | 13.0 | 11.0 | 11.0 |
| REPAY. IN $-LOANS..... | 13.0 | 11.0 | 11.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 9.2 | 7.5 | 8.8 |
| E.RELIEF.EC.DEV & WFP. | 1.4 | 0.4 | 0.1 |
| VOL.RELIEF AGENCY..... | 7.8 | 7.1 | 8.7 |
| C.OTHER ECON. ASSIST... | 0.1 | 0.4 | 1.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.1 | 0.4 | 1.0 |
| PEACE CORPS...... | 0.0 | 0.2 | 0.4 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.1 | 0.2 | 0.6 |
| II.MIL. ASSIST.-TOTAL... | 0.5 | 0.7 | 1.0 |
| LOANS.............. | 0.3 | 0.3 | 0.0 |
| GRANTS............. | 0.2 | 0.4 | 1.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.3 |
| B.CREDIT FINANCING.... | 0.3 | 0.3 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.2 | 0.4 | 0.7 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 34.8 | 46.9 | 47.5 |
| LOANS.............. | 13.3 | 11.3 | 11.0 |
| GRANTS............. | 21.5 | 35.6 | 36.5 |
| OTHER US LOANS.......... | 0.8 | 1.3 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER............. | 0.8 | 1.3 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 47.2 | 89.5 | 36.5 | 494.4 |
| IBRD | 0.0 | 0.0 | 0.0 | 2.6 |
| IFC | 0.0 | 0.0 | 0.0 | 3.2 |
| IDA | 18.0 | 56.0 | 19.1 | 224.3 |
| IDB | 17.6 | 32.6 | 17.4 | 214.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 6.5 | 0.9 | 0.0 | 36.6 |
| OTHER-UN | 5.1 | 0.0 | 0.0 | 13.7 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## HONDURAS

Honduras continues to make encouraging progress as a democracy. Governed since 1982 by the civilian administration of President Roberto Suazo Cordova, the country is now preparing for the November, 1985 national elections. The military remains strong and is clearly an important force, but it supports the civilian government. Following the removal from office of the Chief of the Armed Forces and others in March, the new military leaders promptly pledged their support for civilian rule and their commitment to scheduled 1985 elections.

There are four legally registered political parties, each represented in the National Congress. A massive voter registration program is underway in preparation for the elections, which would mark the first democratic succession of governments in recent history. Labor and campesino organizations continue to operate freely and play a major role in national events. Freedom of assembly, of religion, and of the press are fully respected, as is freedom of movement both within Honduras and in and out of the country.

Instability and turmoil in Central America inevitably affect domestic human rights in Honduras. Both the military buildup in Nicaragua and instability in El Salvador add to Honduras' security concerns. In the summer of 1983 and again in 1984 there were incursions into Honduras by members of a Sandinista trained and supplied group. Captured group members included Hondurans who later told of their training in Nicaragua and Cuba for activities designed to destabilize the Honduran Government. Although terrorist acts have declined since 1982, the threat continues. In March bombs were placed targeting the Supreme Court, the officer training school in Tegucigalpa, and the local police station and the Salvadoran consulate in San Pedro Sula. In April the Embassy of El Salvador in Tegucigalpa was dynamited. There were discoveries of weapons caches and terrorist safehouses throughout the country, although fewer than in previous years. In reaction to the continuing treat, the Government maintains security measures that include vehicle searches and documentation checks. Considerable effort is also directed towards reducing the infiltration of arms through Honduras to El Salvador.

Honduras now hosts about 36,000 U.N.-sponsored refugees from El Salvador, Nicaragua and Guatemala and about 35,000 non-sponsored refugees, the latter mostly Nicaraguan. As there is considerable evidence that Salvadoran guerrillas use the camps near the border as sanctuaries, these refugees are largely restricted to camps. Reception, care and protection of refugees by the Honduran Government, however, is excellent.

Honduras is plagued by economic and social problems to which the Government is giving increased attention, especially in the areas of education, public health, and land reform. Women are not subject to legal discrimination. Social and economic conditions, however, often deny them true equality.

Local human rights leaders have confirmed that improvement has been made in human rights, while continuing to pressure the Government for further improvement and accountability. Allegations of human rights-related abuses are fewer than in previous years and the Honduran Government shows enhanced sensitivity to these complaints. On September 25, President

Suazo Cordova sent a letter to the Chief of the Armed Forces in which he sought to underscore a national policy with respect to the observance of human rights.

Unresolved disappearances remain the major concern of local human rights groups. Significantly, however, there were only five new reported disappearance cases in 1984, all early in the year. A government investigation of disappearances has been underway since June 1984. An interim report was released on December 31, and at the same time the investigating commission was extended for ninety days. It is not yet clear when and how the final results will be published.

Cases of mistreatment of prisoners are alleged, including torture, although the number of allegations has decreased since last year. Prisons are overcrowded and conditions poor. Due process is constitutionally guaranteed, and progress in judicial reform is being made.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

The head of the private Committee for the Defense of Human Rights in Honduras has accused the Government of involvement in deaths that were allegedly politically motivated. No more than five cases were alleged by various interested parties during 1984. The Government has responded that either these cases occured during active pursuit of guerrillas and subversives or that private conflicts resulted in some of the deaths.

#### b. Disappearance

According to the Committee for the Defense of Human Rights, a total of 112 unexplained disappearances have occurred in Honduras during 1981-1984. Five new cases were claimed in 1984, compared to ten cases in 1983. These five cases date to the period January-March 1984, and there have been no substantiated incidents since then. The most dramatic of the disappearances were those in March of Rolando Vindel, Secretary General of the Electrical Workers Union, and Gustavo Morales, Sub-Director of the National Lottery. Both were seized publicly by armed men and have not been heard of since. The Government denies knowledge of their whereabouts or of events leading to their disappearances. It denies as well that they are being held by security forces. Government officials continue to claim that many of those who "disappeared" are in fact exiles who left Honduras to receive guerrilla training in Nicaragua or Cuba. Several others, although their names appear on the "disappeared" list, have been found living normal lives.

In some instances during the year, in cases that involved alleged subversion or terrorism, the Government security forces denied knowledge of the whereabouts of disappeared persons but later arraigned those same individuals or released them after questioning. One such case involved the detention in March, 1983 and release in July, 1984 of accused subversive Ines Murillo.

Human rights groups met in 1984 with high government officials, including Foreign Minister Paz Barnica, Armed Forces Chief General Walter Lopez and Armed Forces Auditor General Suarez

Benavides, to discuss disappearances. The meetings were hailed as successful and encouraging by local human rights leaders. In October, the Chairman of the Congressional Commission on Constitutional Guarantees publicly expressed interest in the problem and spoke of serious obstacles in the way of establishing the fate of those claimed as disappeared. A military commission, appointed by the Chief of the Armed Forces on June 14, 1984, to investigate the problem of disappearances, submitted an interim report to President Suazo Cordova on December 29 and publicly released it two days later. This report, short on specific information, was sharply criticized by a number of Honduran groups concerned with human rights issues as being vague, inconsistent and contradictory. It is not clear whether a final, more complete account of the commission's findings will be published.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is prohibited under the law, and its practice is officially denied. Nevertheless, there were cases in 1984 that involved credible physical evidence that torture does at times occur. Amnesty International's 1983 report mentions documented cases of use of the capucha, or hood, and released detainees sometimes tell of beatings. However, in certain cases which are clearly documented, disciplinary action has been taken against the responsible officials. In January, the head of the National Department of Investigation was removed and two policemen sentenced to prison following the beating and death of a detained student. In August, the local press reported an allegation by an accused member of the "Cinchoneros," the group which claimed responsiblity for several bombings, that he had been denied medical attention for knee injuries suffered while in detention. He has since received the needed surgery. When torture is substantiated, the courts have found evidence so obtained as inadmissible. In fact, to be admissible as evidence, confessions obtained by police have to be repeated to an officer of the court.

Other forms of mistreatment, such as denial of food and rest are fairly common. There is no capital punishment in Honduras.

Prison conditions are poor. Prisons are overcrowded and dirty, and prisoners or their relatives must provide some, if not all, of their own food. Visits are liberally allowed, however, and at times prisoners are permitted to leave to attend to urgent family problems. Better conditions may be obtained by those able to pay for them.

### d. Arbitrary Arrest, Detention, or Exile

Although there has been a reduction in the amount of detention time before a hearing, extended pre-arraignment detention is fairly common. Under Honduran law, a person must be presented before a judge within 24 hours of arrest and the judge must decide within six days whether there is sufficient evidence to hold the accused for trial. In practice this is not always followed, often due to administrative problems. Cases of persons accused of subversion or terrorism are likely to be delayed several days or even weeks. Security forces complain that the rules of evidence under the 1906 penal procedure code do not allow sufficient time for leads in security cases to be explored, resulting at times in delays in presenting a detainee to the court owing to the security forces' wish to complete investigations after detaining the suspect. The present penal code, including the procedural code, has now been revised and the new code will be implemented in March, 1985. Although most arrests are made openly, in some cases, most often those involving alleged terrorist or subversive activity, arrests are made secretly and the accused held for several days without authorities acknowledging the detention.

An "appeal for personal exhibition" can be filed with the Supreme Court to locate an individual, but the success of this motion depends entirely on the cooperation of security forces. Recently, in a promising development, a judge requested and received permission to search a local military prison for missing individuals. Release on bail is common, and accused persons are free to select their own lawyers. In theory, public defenders are available, but in practice this is often not the case, due to budgetary constraints.

### e. Denial of Fair Public Trial

Although slow and at times cumbersome, the judicial system does allow for fair trial. There are no secret tribunals. Delays almost always result from administrative inadequacy and not from deliberate action. Persons are tried for criminal acts and not for political beliefs, although social and economic status are factors in obtaining adequate access to legal process. There have been cases where it appears persons may have been arrested and held for a limited time because of political beliefs. They are invariably released if they have committed no crime. There are no political prisoners.

The Constitution provides for judicial independence. Supreme Court justices are appointed for four-year terms by the National Congress and lower court judges by the Supreme Court. Since Congress is controlled by the Liberal Party of President Suazo, the executive office also exercises considerable control over the judiciary.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Although there have been scattered reports in rural areas of security forces entering homes without authorization to search for terrorists, these incidents are the result of abuse of authority rather than official policy. The Government does not interfere with its citizens' personal or family lives.

## Section 2 Respect of Civil Rights, Including:

### a. Freedom of Speech and Press

Freedom of expression is guaranteed by the Constitution, and both freedom of speech and press are respected. Honduras has four daily newspapers, over 100 radio stations, and a two-station national television network, all privately owned. The press openly criticizes the Government, military, and private sector, often harshly. It does so without fear of government reprisal. Academic freedom is respected and student groups represent a wide spectrum of political beliefs.

### b. Freedom of Peaceful Assembly and Association

The freedom to organize and demonstrate publicly is enjoyed by political parties, student organizations, campesino groups, labor unions, and other private organizations, including human rights groups. Many have held peaceful public demonstrations in the past year. The Government does not generally interfere, although police are present to maintain order. The Government does not hesitate to act, however, in cases of illegal strikes, as in the September, 1984 strike by the electrical workers' union.

In August, six labor activists, all U.S. citizens and self-proclaimed representatives of AFL-CIO affiliated unions, were deported when they participated in a public rally denouncing the Honduran Government and military. The Government considered this action a violation of Honduran law prohibiting foreigners from political activity while in Honduras.

Trade unions in Honduras are independent, strong, and varied in political orientation. Labor legislation is weighted in favor of workers and most industries are unionized. Although not directly involved in party politics, the unions are influential and their positions are given attention by the political parties. Antonio Julin Mendez, recently reelected president of the largest of the campesino unions is also one of the three elected representatives of the Innovation and Unity Party in the National Congress. Both professional associations and private organizations exist.

### c. Freedom of Religion

Honduras has no state religion. Although the country is predominantly Roman Catholic, members of other denominations and religions are represented, and their members are free to practice religion and engage in all areas of social and political activity. Missionaries operate in many areas of the country.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Hondurans and most foreign nationals are free to travel within or outside of Honduras. Security concerns have periodically resulted in vehicle and document checks, but there are no permanent travel restrictions within the country.

The number of refugees in Honduras, both outside and under U.N. sponsorship, has swelled to almost 70,000. Some refugees, notably those in camps near the Salvadoran border, are not allowed to leave the camps, although these controls are not effectively enforced. Restrictions are defended as necessaery due to the proximity of camps to the Salvadoran border and their use by guerrillas. Honduras and El Salvador are currently discussing the voluntary repatriation of those Salvadoran refugees who wish to return to their country. Several Salvadorans were forcefully repatriated, but they had violated their refugee status by engaging in violent acts against the Government of Honduras. There was also an unexplained deportation of several Nicaraguans, who had requested refugee status, by Honduran immigration authorities. In general, however, the record of the Honduran government in its reception and treatment of refugees is excellent.

## Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

With the civilian administration of President Roberto Suazo Cordova in its final year, vigorous political activity is underway in preparation for the November, 1985 elections. The National Registry of Persons seeks to place all Honduran citizens 18 years old and over on the electoral rolls. Voting is mandatory under Honduran law. All legally registered parties -- there are currently four -- freely choose their candidates, and voters freely select their choices through secret ballot. The National Congress has delegates from all four parties but is currently controlled by the Liberal Party, which has an absolute majority of the members.

In March, following the removal of Chief of the Armed Forces General Gustavo Alvarez and other top military leaders, the new military leaders promptly declared the continuing loyalty of the armed forces to the civilian government and their commitment to democracy and to the 1985 elections. The armed forces retain a strong political influence but defer publicly and privately to the democratically-elected civilian leadership.

### Section 4 Government Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Honduran Government has shown increased interest in cooperating with both local and international human rights organizations. Government officials, civilian and military, have met with representatives of such organizations on a number of occasions. The two private human rights groups organized in Honduras are the Committee for the Defense of Human Rights in Honduras and the Committee of Families of Disappeared Persons. Leaders and members of both speak openly and are widely reported in the Honduran press. The Committee of Families of Disappeared Persons schedules a monthly march or vigil in the capital. Human Rights Committee chairman Ramon Custodio in October described the current timeframe as a "period of tranquility" in human rights in Honduras.

In Amnesty International Report 1984, concern was expressed over reports of arbitrary arrest, detention, torture, disappearances, and extrajudicial executions. The Honduran government was also criticized for its denial of any knowledge of the circumstances in many of these cases. In fact, Government and military leaders have shown sensitivity to such reports. The Congressional Committee on Constitutional Guarantees has exhibited new interest in disappearances and extrajudicial procedures. The Honduran Bar Association has a committee on human rights, and its chairman frequently contributes articles to local newspapers. Groups of interested persons from the United States and Europe have shown interest in human rights problems in Honduras. A delegation from the West German parliament was successful in securing the release from prison of Ines Murillo, a dual West German-Honduran citizen who was implicated in a political kidnapping. The armed forces have responded to questions concerning their role in disappearances with an investigation, not yet completed. In 1984 the number of complaints about such practices has declined. Freedom House rates Honduras "Free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Honduras continues to be plagued by economic problems. The estimated per capita GNP, accurding to 1982 World Bank statistics, is $600 and the GDP in constant 1966 terms only slightly more than one billion dollars. In mid-1983 the population of 4,249,000 was growing at a rate of 3.4 percent. Infant mortality, according to the Honduran Medical Association, is 90 per 1,000 live births; the 1984 World Bank figure is 75.5. Life expectancy is 60.36 years. Caloric consumption relative to nutritional requirements is 93 percent; as of 1976, approximately 46 percent of the population had access to safe water and 27 percent to electricity. An estimated 55 percent of the Honduran population has access to some form of health care and 45 percent to indoor plumbing. About 14 percent of the urban and 54.9 percent of the rural population are below the absolute poverty level.

Attempts are being made to improve the educational level and literacy rate of both children and adults. Primary school enrollment (as a percentage of primary school age children) shows little difference between males (91 percent) and females (90 percent). The total enrollment for secondary school (as a percentage of the secondary school age group), however, is only 30 percent. The literacy rate, given at 43.1 percent by the World Bank in 1974, has risen to about 60 percent. There is little difference in the figures for literacy between males and females, and a national literacy campaign is underway.

The Government continues to show interest in land reform; a land titling program sponsored by AID is now providing 1,000 titles per month. Although the process has at times been slow, Honduras has a 25-year history of land reform, accepted for the most part by larger landowners. Much of the agricultural outputs is from small farmers. There are, for example, 45,000 independent coffee growers. Population growth, in the past few years, has increased pressure by campesinos to occupy unused land, at times resulting in violence. Through the National Agraian Institute, the Government has a program to grant legal title to such land to peasants.

Women are formally protected from discrimination under Honduran law. In practice, however, much depends on economic and social position. Education is equally available to men and women and statistics reveal almost equal school attendance by males and females at all levels. Although women occupy judgeships and there are several respected women doctors, lawyers, and other professionals, there are relatively few women in high government positions and fewer still in responsible positions in the private sector. A woman serves as Attorney General in the Government and Justice Ministry, in October 1984 Congresswoman Dilma Quezada was named as one of six members on the Board of Directors for the Inter-American Committee on Women, and women occupy positions of influence in all four political parties. The national police has a women's branch, although use of women officers is limited to certain services. In practice there remains some discrimination against women, especially in domestic cases. Ethnic minorities, concentrated on the north coast, enjoy social and legal equalty.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: HONDURAS

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 80.6 | 106.0 | 95.0 |
| LOANS.............. | 61.5 | 45.0 | 38.3 |
| GRANTS............. | 19.1 | 61.0 | 56.7 |
| A.AID ................. | 67.9 | 87.3 | 71.0 |
| LOANS.............. | 54.5 | 35.0 | 23.3 |
| GRANTS............. | 13.4 | 52.3 | 47.7 |
| (SEC.SUPP.ASSIST.)... | 36.8 | 56.0 | 40.0 |
| B.FOOD FOR PEACE....... | 10.1 | 15.5 | 20.2 |
| LOANS.............. | 7.0 | 10.0 | 15.0 |
| GRANTS............. | 3.1 | 5.5 | 5.2 |
| TITLE I-TOTAL.......... | 7.0 | 10.0 | 15.0 |
| REPAY. IN $-LOANS..... | 7.0 | 10.0 | 15.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 3.1 | 5.5 | 5.2 |
| E.RELIEF.EC.DEV & WFP. | 0.4 | 1.8 | 0.9 |
| VOL.RELIEF AGENCY..... | 2.7 | 3.7 | 4.3 |
| C.OTHER ECON. ASSIST... | 2.6 | 3.2 | 3.8 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 2.6 | 3.2 | 3.8 |
| PEACE CORPS...... | 2.6 | 3.2 | 3.8 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 31.3 | 48.3 | 77.4 |
| LOANS.............. | 19.0 | 9.0 | 0.0 |
| GRANTS............. | 12.3 | 39.3 | 77.4 |
| A.MAP GRANTS.......... | 11.0 | 38.5 | 76.5 |
| B.CREDIT FINANCING.... | 19.0 | 9.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 1.3 | 0.8 | 0.9 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 111.9 | 154.3 | 172.4 |
| LOANS.............. | 80.5 | 54.0 | 38.3 |
| GRANTS............. | 31.4 | 100.3 | 134.1 |
| OTHER US LOANS.......... | 0.6 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.3 | 0.0 | 0.0 |
| ALL OTHER............. | 0.3 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 37.0 | 89.6 | 154.3 | 1242.4 |
| IBRD | 30.0 | 45.0 | 19.6 | 503.3 |
| IFC | 0.0 | 0.0 | 0.0 | 10.4 |
| IDA | 0.0 | 0.0 | 0.0 | 82.6 |
| IDB | 0.0 | 42.2 | 134.1 | 611.4 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 7.0 | 2.4 | 0.0 | 28.4 |
| OTHER-UN | 0.0 | 0.0 | 0.6 | 6.3 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## JAMAICA

Jamaica is a constitutional parliamentary democracy with a mixed economy emphasizing the private sector. It is a member of the British Commonwealth. A governor general, appointed by the Crown on the advice of the Prime Minister, represents the Queen, while the elected Prime Minister, the leader of the majority party in Parliament, is the country's chief executive. The Parliament is comprised of the elected House of Representatives (currently 60 members) and the appointed Senate of 21. The powers and procedures of Parliament correspond to those of the Westminister model.

Two major political parties, the Jamaica Labour Party and the People's National Party, have alternated in power since the first elections were held under universal adult suffrage in 1944. The Jamaica Labour Party's leader, Edward Seaga, has been Prime Minister since November 1980. The Constitution requires that general elections be held at least once every five years; the last general election was held on December 15, 1983. However, because an outdated voters' list was being used, the People's National Party boycotted the election and the Jamaica Labour Party gained all sixty seats in the House of Representatives. The next parliamentary elections must be held before January 10, 1989.

The opposition's boycott created an anomalous and unprecedented situation for democratic Jamaica. The Jamaica Labour Party has attempted to compensate for the absence of an elected parliamentary opposition by appointment of independent senators to the upper chamber and enhancing opportunities for citizens to appear and address the House.

The Government continues to respect civil rights, including freedom of religion, speech, press and association. It also respects the right of citizens to change their government through free elections.

The relatively small, apolitical security apparatus comes under the Ministry of National Security and consists of the Jamaica Constabulary Force, the Jamaica Special Constabulary Force, and the Jamaica Defense Force. The latter consists of a regular and a reserve force and includes an air wing and a coast guard. Since 1974, the Jamaica Defense Force has been authorized to conduct joint operations with the police in order to maintain the peace, under the Suppression of Crime Act.

The British system of justice operates in Jamaica. The law comprises English common law and statutory law enacted both before and since independence. Jamaican statutes are usually patterned after English law, as modified to fit local conditions.

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

Officially sanctioned murder of political opponents does not occur in Jamaica. However, Jamaica suffers from a high level of violent crime, some of which is politically motivated. Much of this violence was associated with election campaigns. The December 1983 election, however, was quiet, with minimal violence and no deaths.

## JAMAICA

Both major parties, as well as the Communist Workers Party of Jamaica, have supporters who occasionally employ violence for political purposes. On the whole, the legal system has been unable to bring the guilty parties to justice because of a pervasive code of silence enforced at the local level.

During 1984, there were several killings rumored to have been politically motivated. The police have made several arrests and cases are awaiting trial. In all cases, the Government and opposition have condemned the incidents. The Government has, in most cases, moved expeditiously to arrest the perpetrators.

### b. Disappearance

There is no evidence of abduction, hostage-taking, or disappearances occasioned by official forces. In most incidents where people disappear and are later discovered dead, the victims are linked with criminal cases or have been accused of being police "informers."

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Generally, legal prohibitions against torture and cruel, inhuman or degrading treatment or punishment are respected. Access to detainees by relatives, attorneys, physicians, and friends is routine. There have been occasional claims in the press of unjustified killings, beatings, and other abuses by police, and the Communist Workers Party of Jamaica has periodically charged the police force with politically motivated harassment. Many observers believe a small minority of individuals within the police force abuse their authority, especially during operations against criminal gunmen. Officials involved in the abuse of prisoners are liable to punishment, and citizens bringing such charges through the Government or through the courts have won compensatory damages.

In 1984, the parliamentary ombudsman issued a report on the deplorable prison conditions in Jamaica. The country's jails are described as unsanitary and extremely overcrowded. The report has been taken up by Parliament and given prominence in the press. Both the public and the Government agree on the need to improve prison conditions, but the latter is hampered by severe resource constraints. A corrections bill, incorporating various elements of penal reform, is presently before the Parliament.

### d. Arbitrary Arrest, Detention, or Exile

There are no political prisoners in Jamaica. The security forces do not need a warrant in order to detain persons "reasonably" suspected of having committed a crime. However, the Suppression of Crime Act, which has been extended since 1974, limits the period of detention before being charged to a "reasonable time." The detainee must be brought before a court "without delay." Practice is for appearance before a magistrate or a court on the next court day, usually within a few days of arrest. In the event of a further delay, authorities must indicate why the person is being held longer.

Arbitrary detention without trial has not been reported, although the opposition has periodically complained of irregularities in preventive detention practices by the police.

Habeas corpus is implicit in the Constitution, rooted in common law, and respected by the courts and the police. The Constitution guarantees that a detained person must be informed of charges "within a reasonable amount of time." There is a functioning system of bail, granted on a discretionary basis.

### e. Denial of Fair Public Trial

Jamaica has an independent judiciary. Persons who have been charged with a criminal offense have access to legal representation, and legal counsel is provided to indigents in criminal cases. The Court of Appeal and the Parliament may refer cases to the Judicial Committee of the Privy Council in the United Kingdom. The legal system is overburdened, and many cases take years to come to trial.

In addition to the regular courts, there is also the Gun Court, which was established in 1974 as an extraordinary means of dealing with the serious problem of violent crime. It considers cases involving the illegal use or the possession of firearms or ammunition. There are restrictions on public attendance and less stringent rules of evidence in the Gun Court. Hearings are conducted before a judge, except in murder cases, which require a jury. The Gun Court has become increasingly controversial. The 1983 Gun Court Amendment Act made sentencing discretionary by eliminating the previously mandatory sentence of life imprisonment, gave all resident magistrates more leeway to grant bail, allowed magistrates outside of the Kingston area discretion in referring non-capital offense cases to the Gun Court, and removed to juvenile courts cases involving children under the age of 14. A continuing review of the cases of persons given life sentences prior to the adoption of the Gun Court Amendment Act has resulted in some 100 persons receiving parole this year.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits arbitrary intrusion of the state into the private life of the individual. Individual rights are protected, and there is no arbitrary monitoring of correspondence or telephones, nor restrictions on receipt of foreign publications. Search warrants are not required to enter homes or businesses when crime is "reasonably" suspected. However, regulations approved by Parliament in 1980 require that every effort be made by the security forces to have the owner or occupant of the premises present during the search.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Freedom of speech and press are guaranteed in the Constitution and are observed in practice within the broad limits of libel laws and the State Secrets Act. There is no censorship nor is there interference in academic studies. Jamaica's principal, privately owned daily newspaper, The Daily Gleaner, has been critical of Jamaican governments through the years. Several small newspapers and magazines are also published, including two by the opposition parties, both of which are highly critical of government policies. Foreign publications are generally available.

In June 1984, there was a widely publicized incident involving a police shooting in which the police interfered with and manhandled The Daily Gleaner photographer at the scene who was trying to take pictures. The Police Commissioner promptly apologized and a subsequent editorial in the newspaper expressed satisfaction at the measures taken and reassurances given by the police that it would not tolerate any fettering of the press. Jamaica's one television station is government owned, although there are plans to establish a second channel with private participation. The government-owned television and radio network has historically been accused of bias in favor of the Government by whichever party is in opposition. A second radio station, while partially government owned, is politically independent.

### b. Freedom of Peaceful Assembly and Association

Freedom of assembly and association are guaranteed in the Constitution. A large variety of professional groups and private associations function freely. Public demonstrations and rallies are staged by all political parties without government interference. Public demonstrations require police permits which are normally granted. In 1984 the opposition demonstrated at the formal opening of Parliament and has since held demonstrations on several other occasions. Three nonviolent demonstrations took place in April, even though police permits were refused because the mandatory notice was not given.

Approximately 25 percent of the Jamaican work force is organized into strong, independent trade unions. The right to form and belong to trade unions is constitutionally guaranteed, and unions are among the most active organizations in the country. The two major unions are each associated with one of the two major political parties. They operate as independent organizations, however, and differ at times with their parties. They have contributed many leaders to the national political process, among whom are the current Deputy Prime Minister/Minister of Foreign Affairs and two former Prime Ministers. In May 1984 the 21st Biennial Congress of the National Workers Union unanimously elected former Prime Minister Michael Manley, leader of the People's National Party, as the union's new president. Unions make active use of the bargaining rights guaranteed in the Labor Relations and Industrial Disputes Act of 1975. Jamaican workers, including government employees, frequently exercise their right to strike.

Jamaican unions are affiliated with regional and international labor bodies.

### c. Freedom of Religion

Freedom of religion is guaranteed in the Constitution and is well established in Jamaica. A great variety of religious groups, including several African and animistic religions and cults, operate freely. More than 80 percent of the population professes one Christian denomination or another. In September 1984, Prime Minister Seaga was the only head of government invited as guest speaker at the Second World Congress on Religious Liberty in Rome. His leadership of Jamaica and support of basic human rights were cited as the reasons for the invitation.

### d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution guarantees Jamaican citizens freedom of movement throughout the country, the right to reside in any part of it, the right to enter, and immunity from expulsion. There are no national restrictions on foreign travel or emigration. Citizenship is not revoked for political reasons.

Jamaica's central location in the Caribbean makes it a potential hub for illegal migrants and would-be refugees or asylum seekers. Consequently, Jamaica has avoided any declarative policy on refugees. As a party to the 1951 UN Convention Relating to the Status of Refugees, it honors its treaty obligations, dealing with refugees on a "case by case" basis. Jamaica's reasons for not accepting migrants are largely economic ones, and include high domestic unemployment. In recent years individuals from Cuba, Haiti, and Nicaragua have sought to settle and work in Jamaica, claiming to be "refugees." Haitians are considered economic migrants, and most are returned to Haiti. In two recent cases, seven of the 30 Cuban migrants who were granted de facto temporary status in 1982 were permanently resettled in Canada. Of 17 Nicaraguan "boat people" who arrived in May 1983, only five now remain in temporary status in Jamaica.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

In Jamaica, the Prime Minister, who is the leader of the majority party, and a cabinet made up of ministers appointed by him, constitute the executive power. The executive usually takes the initiative in legislative matters and is responsible to the House of Represenatives. The position of the Leader of the Opposition is provided for under the Constitution.

The Jamaican Constitution, in common with those of many Commonwealth countries, requires that elections be held not later than five years from the first sitting of parliament. However, it also gives the Prime Minister with the right, within that period, to call an election whenever he sees fit.

Within the multiparty political system, two main parties (The Jamaica Labour Party and People's National Party) have regularly alternated in power since the first elections under universal adult suffrage were held in 1944. The Jamaica Labor party came to power in November 1980 when it won a majority of seats in the House of Representatives. Other opposition groups, including the communists, operate freely, and no group is denied participation in the political process. The political system does not exclude ethnic groups or women. There are no restrictions on nationality or citizenship status which limit participation in political life, and all citizens 18 years of age and over are eligible to vote.

In August 1983, a process of voter registration with photographs was begun throughout the island, in order to bring voting lists up to date and help protect the electoral process from fraud. However, the process was not complete when elections were called in December 1983. This was cited by the People's National party in explaining its decision to boycott the election.

## JAMAICA

As a result of the boycott and the failure of any of the seven third-party candidates to be elected to the House, there is currently no official Leader of the Opposition. As the elected House, composed of 60 seats, is now under exclusive control of the members of the Jamaica Labour Party, Jamaica has a "one-party house" but is not a "one-party state." Mr. Michael Manley, leader of the People's National Party, has repeatedly claimed that the present Government is "bogus" and has no mandate to govern; he calls for new elections once voter registration is complete. However, the Government correctly points out that the 1983 election was held in strict conformity with the election law. Local elections, which were to have been held not later than June 1984, have been postponed. The Government claimed that revisions of the voters' list and other acts which were necessary for holding them would not be ready in time. Legislation was passed which would permit the Government to delay local elections up through June 1985.

The present Government has taken steps to maintain a democratic complexion in the legislature. Procedures have been amended to enable any citizen having an interest in a matter under debate to make a presentation by appearing at the bar of the House. In the absence of a formal Leader of the Opposition in Parliament to nominate eight candidates as opposition senators, the Prime Minister has appointed eight independent senators who are fulfilling their roles as active monitors and critics of government policy.

Both major parties are committed to keeping parliamentary democracy alive under the unprecedented circumstance of a one-party makeup in the House.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

There has been little interest among international or non-governmental groups in investigating human rights in Jamaica. Freedom House in 1983 rated Jamaica as "free." Amnesty International expressed concern in its 1984 report over the continued use of the death penalty.

Legislation on penal reform, comprising a corrections bill for prison reform and a criminal records bill, was tabled before Parliament in 1984.

There are no restrictions on human rights organizations, several of which exist within the country. The Jamaica Council for Human Rights is the most active domestic human rights organization. The Council has continued to speak out about the large number of killings by the police, and demanded a public inquiry into such deaths.

Jamaica is a member of several international bodies which protect human rights. The country is also a strong advocate of human rights in international forums, such as Caricom and the U.N. Jamaican leaders, including the present Prime Minister, have spoken before regional and other international bodies on behalf of human rights. A Jamaican is a judge on the Inter-American Court of Human Rights.

# JAMAICA

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Production of bauxite/alumina, Jamaica's principal export earner, remained depressed in 1983, but receipts from tourism increased as the number of visitors grew by 16.9 percent compared to 1982. Gross national product grew by 1.8 percent in 1983. Inflation rose by 16.7 percent, a significant increase after single digit rises in the two previous years. The employment rate fell only marginally in 1983 from 27.9 percent in 1982 to 26.9 percent. Shortage of foreign exchange and budget cuts have left the Government with fewer resources to deal with pressing economic and social problems. The Government has given priority to maintaining the inflows of raw materials and capital goods needed to support Jamaica's private sector-oriented recovery program. While consumer imports have been cut and the currency devalued sharply, the Government is trying to limit the impact of these measures on the consumption of basic commodities by the poor, establishing the Food Security Plan, including a food stamp program, aimed at protecting the basic nutrition of the poor.

Jamaica has a per capita gross national product of $1333 (1982). There are, however, wide disparities in income levels. In October 1983, the unemployment rate for men over 24 years of age was lower than 15 percent, while that for women over 24 was more than 30 percent. The rate for all workers over 24 years was slightly more than 15 percent whereas that for workers under 24 years was almost 50 percent. The Government is seeking to reduce some of these disparities through a major agriculture program designed to increase production and employment in rural areas, job training programs for youth, and programs to assist individuals in starting their own business.

The adult literacy rate in Jamaica is 97 percent, and there is nearly universal primary school enrollment. Jamaica's educational system is free but the rising cost of living has placed a financial strain on families, who must provide school books and uniforms.

Jamaican women are accorded full equality under the Constitution, and the 1975 Employment Act guarantees equal pay for equal work. The legal status of women is reflected in the number of influential positions they hold in the civil service and the Government, including Minister of Education, Director of the Jamaica Information Service, and President of the Senate.

Nevertheless, because of cultural and social values, women often suffer economic discrimination. This discrimination frequently occurs in hiring practices. Access to higher paying jobs and jobs outside traditional "female" areas is limited. Reportedly, women have no choice but to settle for accepted "woman's work" in service fields such as teachers, health care workers, and commercial workers (produce vendors, sales clerks, secretaries, and office clerks). The higher paying senior level positions in commercial areas are still predominantly held by men. The 1975 Act has helped to narrow the gap between men's and women's salaries, although disparities remain.

The country's economic problems tend to affect women first because they generally work in the service sector, frequently do not have sufficient seniority to avoid layoffs, and service jobs, especially in the public sector, are the first to be cut.

Employment figures for October 1983 showed that women constituted 37.7 percent of the labor force as a whole, but they comprised 66.14 precent of the unemployed labor force.

The Government has a number of programs to help women with the problems they face. Primary health care clinics provide pre-natal and post-natal care for mothers and their children. The National Family Planning Board organizes education programs in family planning, population, and family life. A new food stamp program includes special provisions for pregnant and lactating women and women whose income is below $50 a month. The Women's Bureau in the Ministry of Youth and Community Development, established in 1974, sponsors agricultural and technical training projects and centers to provide continuing education for pregnant women. The Government has announced plans to establish a national advisory committee for women's affairs. Meanwhile, family law reforms based on the Report of the Family Law Committee set up in 1975 have finally come before the House this year. These include inheritance provisions for the family and a dependent's bill. Jamaica is a multiracial society. No ethnic group has been subjected to systematic discrimination.

Increasing crime and violence have been major social problems in Jamaica in recent years. Rising unemployment, urbanization, lessened respect for authority and the police force, overworked courts, and pressures on the security forces have contributed to the growing crime rate, despite the measures taken by successive Jamaican Governments to deal with the problem.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: JAMAICA

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL | 138.6 | 103.5 | 110.0 |
| LOANS | 128.4 | 91.0 | 96.4 |
| GRANTS | 10.2 | 12.5 | 13.6 |
| A.AID | 119.4 | 81.6 | 87.6 |
| LOANS | 110.9 | 71.0 | 76.4 |
| GRANTS | 8.5 | 10.6 | 11.2 |
| (SEC.SUPP.ASSIST.) | 90.5 | 59.4 | 55.0 |
| B.FOOD FOR PEACE | 17.5 | 20.1 | 20.5 |
| LOANS | 17.5 | 20.0 | 20.0 |
| GRANTS | 0.0 | 0.1 | 0.5 |
| TITLE I-TOTAL | 17.5 | 20.0 | 20.0 |
| REPAY. IN $-LOANS | 17.5 | 20.0 | 20.0 |
| PAY. IN FOR. CURR | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL | 0.0 | 0.1 | 0.5 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.1 | 0.1 |
| VOL.RELIEF AGENCY | 0.0 | 0.0 | 0.4 |
| C.OTHER ECON. ASSIST | 1.7 | 1.8 | 1.9 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 1.7 | 1.8 | 1.9 |
| PEACE CORPS | 1.7 | 1.7 | 1.8 |
| NARCOTICS | 0.0 | 0.0 | 0.0 |
| OTHER | 0.0 | 0.1 | 0.1 |
| II.MIL. ASSIST.-TOTAL | 2.1 | 3.5 | 4.2 |
| LOANS | 1.0 | 0.0 | 0.0 |
| GRANTS | 1.1 | 3.5 | 4.2 |
| A.MAP GRANTS | 1.0 | 3.3 | 4.0 |
| B.CREDIT FINANCING | 1.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG | 0.1 | 0.2 | 0.2 |
| D.TRAN-EXCESS STOCK | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL | 140.7 | 107.0 | 114.2 |
| LOANS | 129.4 | 91.0 | 96.4 |
| GRANTS | 11.3 | 16.0 | 17.8 |
| OTHER US LOANS | 1.5 | 0.1 | 0.0 |
| EX-IM BANK LOANS | 0.0 | 0.0 | 0.0 |
| ALL OTHER | 1.5 | 0.1 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL | 233.1 | 149.4 | 130.5 | 1027.6 |
| IBRD | 133.1 | 120.4 | 44.6 | 629.4 |
| IFC | 11.4 | 0.0 | 0.0 | 16.8 |
| IDA | 0.0 | 0.0 | 0.0 | 0.0 |
| IDB | 87.2 | 26.4 | 85.8 | 356.7 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 1.4 | 2.6 | 0.0 | 22.9 |
| OTHER-UN | 0.0 | 0.0 | 0.1 | 1.8 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

# MEXICO

Mexico is a Federal Republic which has been governed by the Institutional Revolutionary Party (PRI) since 1929. The Constitution of 1917 provides for the separation of powers among a bicameral legislature, a judiciary, and an executive, but the powers of the presidency far outweigh those of the other branches in Mexico's highly centralized system. Mexico has a sizable industrial sector. There are also large peasant and indigenous populations in the rural sector, which continue greatly to rely on manual labor.

The PRI dominates politics at the federal and state levels. Opposition parties, viewed by the Government as outlets for criticism and dissatisfaction, have been able to make some inroads on the municipal level. Opposition strength, especially that of the conservative National Action Party (PAN), is growing, though some observers characterize this increase as a protest vote against the PRI. The opposition has yet to challenge the PRI successfully on the state level, let alone for the presidency. Most opposition party opportunities have been thwarted by nationwide PRI voting strength and organizational power, by maneuvers to divide the opposition and, the opposition claims, by continuing electoral fraud. In elections held in 1983 and 1984, protests about electoral fraud were especially strong in the states of Sinaloa, San Luis Potosi and Coahuila. For its part, the Government continues to emphasize its commitment to the principle of political pluralism.

Both Amnesty International and the National Committee in Defense of Prisoners, Persecuted, Disappeared, and Political Exiles in Mexico, continue to express their concern over the fate of Mexico's "disappeared". In June, the Committee presented a list of persons who had disappeared since 1969. While admitting that many of these persons had reappeared, the Committee charged that all those unaccounted for are being held clandestinely in government prisons. The Government has denied these charges and has stated that disappearances will not be tolerated. The Committee also alleges the existence of 315 persons it terms "political prisoners", 285 of whom were jailed during the current Administration; the great majority of these are peasants involved in land disputes. In response to the Committee's presentation of 38 of the most noteworthy cases, the Government said that some are in the process of investigation, while others have resulted in sentences for criminal acts.

Human rights organizations have continued to make allegations concerning arbitrary arrests, especially of members of opposition parties, unions independent of the PRI, and peasant organizations. A number of deaths have also taken place, especially in the rural sector in disputes over land.

The Federal Government during 1984 implemented efforts to curb misuse of police authority; local leaders on the municipal level, especially those involved with influential private landowners, are not as rigorous in protecting human rights, and abuses appear to stem largely from that sector.

# MEXICO

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

### a. Political Killing

The current Administration reopened an investigation into the January 1982 discovery of 14 bodies found in the Tula River. Investigation at the time had proven fruitless. Warrants have now been issued against 24 members of the former Division of Investigation for the Prevention of Delinquency (DIPD), an arm of the Federal District's police force which was disbanded as one of the first acts of the new Administration. A number of arrests have already been made. It is alleged that the former DIPD members abducted, tortured and killed the 14 victims, 13 Colombians and 1 Mexican, who themselves were reportedly involved, along with elements of the DIPD, in the drug trade and a series of bank robberies. Testimony has been given that the acts of the DIPD were carried out on the instructions of a former director of the Federal and Transit Police and a former director of the DIPD for the purpose of extorting money from the victims. An arrest order has been issued against the latter; the former is currently awaiting extradition from the United States.

Peasant organizations charged that during 1984 at least 69 peasants were killed in confrontations in the states of Chiapas, Veracruz, Puebla, Hidalgo, Sonora, Oaxaca and Guanajuato. Such charges have come not only from independent peasant organizations such as the Marxist-led and -oriented Independent Center of Agricultural Workers and Peasants (CIOAC) and the National Coordinator for the Plan of Ayala (CNPA), but also from the PRI-affiliated National Confederation of Peasants (CNC). The former attribute the killings of peasants affiliated with independent groups to paramilitary bands, supported by corrupt local landowners (caciques) as well as to members of the CNC, and to local police. For its part the CNC attributes fatalities in its ranks to members of the independent unions, encouraged, they say, by leftist political activists. Others, however, suggest that for the most part CNC members who have been killed were victims of internal CNC struggles.

A major incident in 1984 involved the killing of nine members of a leftist independent peasant group in the town of Venustiano Carranza, Chiapas, on October 6. Following up on leads that the perpetrators were members of the CNC, backed up by agents of public security, the Attorney General for the State of Chiapas on October 10 announced the arrest of 18 members of the CNC. On October 19, a violent confrontation between members of the CNC and CIOAC left three dead, two members of CIOAC and one CNC member.

On September 26, four members of the leftist Unified Socialist Party of Mexico (PSUM) were killed near the village of San Jose Miahuatlan, Puebla, a municipality governed by the PSUM. Three of the victims were peasants; one, Felipe Fernandez Valiente, was a member of the State Committee of the PSUM. The four were killed in an armed ambush. Authorities have suggested that the attack was a politically-motivated assassination--more specifically, that the perpetrators were acting on behalf of local caciques, concerned that the PSUM had been active in organizing peasants in the area against their interests.

## MEXICO

Within Mexico there are about 47,000 registered Guatemalan refugees, the majority of whom live along its southern border. On April 20, 1984, 6 refugees were killed and 6 wounded in the El Chupadero Camp (Chiapas) during an armed incursion into Mexico from Guatemala. Eyewitnesses stated that the perpetrators were members of the Guatemalan Army; the Government of Guatemala said that they were guerrillas, dressed in army uniforms. The Mexican Government protested the incident to Guatemala, though it did not identify the perpetrators.

There have been rumors of maltreatment of the Guatemalan refugees by the Mexican security forces, especially during the relocation of the camps from Chiapas to Campeche, following the El Chupadero incident. The Catholic Bishop of San Cristobal de las Casas published an open letter in the Mexican press shortly after July 5, when, he said, three Guatemalan refugees were killed by Mexican security forces during the relocation of the Ixcan Camp. His protest was first aired by the British Broadcasting Corporation (BBC) before being published in Mexico. Those killings have not been independently verified, and the Government has yet to comment officially.

Amnesty International's 1984 Report (covering the period January-December 1983) expresses that organization's concern over killings, specifically in the rural area. It highlights that such killings, carried out by local security forces and armed civilians acting with them, have been directed towards peasants involved in land disputes, members of peasant organizations and rural trade unions created outside the official party, the PRI.

### b. Disappearance

The Committee in Defense of Prisoners, Persecuted, Disappeared and Political Exiles of Mexico, led by Mrs. Rosario Ibarra de Piedra, Mexico's most prominent human rights advocate and the 1982 presidential candidate for the left-wing Revolutionary Workers Party (PRT), continued to press the Government for information on the fate of Mexico's disappeared. On June 5, 1984, the Committee presented two lists to the Interior Secretariat (Gobernacion). The first identified 455 persons whom the Committee states have disappeared between 1969 and December 1982. The second listed 40 persons either detained or disappeared during the current Administration. The Committee itself notes that, of those listed as having disappeared between 1969 and December 1982, three have reappeared. As to the group of 40, all but five have either been freed or otherwise accounted for. The Committee has continued to charge that the disappeared are being held in a chain of clandestine government-controlled prisons. It supports these claims with reports by other human rights groups, news reports, and letters smuggled out of prison. Interviews with disappeared who have reappeared, both on the radio program, "Opinion Publica", and in letters-to-the-editor, also speak of such clandestine prisons. The Government continues to deny strongly the existence of any clandestine prisons, as well as involvement in the disappearance of individuals, and states that those unaccounted for were killed in encounters with security forces, or changed their names, went underground, or voluntarily went into exile. Human rights activists report that the Government has been rigorous in its attempts to determine the whereabouts of those five persons claimed by the Committee to have disappeared and still missing during the period since December 1982.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Although torture is prohibited by the Constitution, human rights organizations have charged that the police have tortured both political prisoners and those arrested for common crimes with electric shocks, beatings, submersion in water, deprivation of light and food, and the forcing of chili-laden mineral water up the nostrils. There are periodic reports in the Mexican press of confessions obtained through coercion. A U.S. journalist reports that he was tortured by means of electric shocks in April 1984, following his detention while covering a local strike in Reynosa. Local authorities have denied the allegations and the Government has begun investigations into the incident and the identity of those responsible. Other American citizens, arrested mainly on drug trafficking charges, complained of torture and inhuman and degrading treatment at the hands of the police in several cases in 1984. One such American claimed to have been interrogated in Oaxaca while blindfolded, naked, with his hands tied behind his back and in a squatting position.

The Government officially denies that torture takes place or is in any way officially sanctioned. However, the current Administration, apparently reacting indirectly to these various charges, is conducting new recruitment, education and training of local and national police forces. Such measures are being implemented especially in the Federal District, where about one quarter of Mexico's population resides.

Prisons are overcrowded, and there are public complaints about lack of trained personnel, a high turnover both in staff and Administration, corruption among prison staff members, and mistreatment of prisoners related to such corruption. Since the current administration took office, reforms have been carried out in the prisons of the Federal District, including doubling the daily budget for food per prisoner, developing prison industries to sell products on the open market, and training prisoners in a marketable skill. In addition, two new prisons are under construction in the Federal District. In some other parts of Mexico as well, overcrowding has been alleviated by new prison construction. In 1983, a new prison was opened in Acapulco, and one is under construction in Mazatlan.

### d. Arbitrary Arrest, Detention, or Exile

Leaders of peasant organizations and unions outside the framework of the PRI, as well as opposition party activists, claim that the police frequently make arbitrary arrests, resulting in extended periods of detention.

Following civil disturbances in Acapulco in November 1983, ten members of CONAMUP (National Coordinator of Popular Urban Movements) were arrested for what CONAMUP claimed were fabricated charges. Judicial authorities have responded that those arrested have been charged with damage to property and incitement to riot. On August 30, 1984, the Regional Secretary-General of the United Socialist Party (PSUM) in Jalapa, Veracruz, was arrested along with two party activists and charged with disorderly conduct. Again, the claim was that the charge was fabricated and that the arrest took place for purposes of intimidation. Two weeks earlier, a local PAN municipal council member in the same locality reported that he had been subjected to similar treatment. Rosario Ibarra's committee, during the months of August and September, widely publicized that the Government was holding 315 persons, whom they termed "political prisoners". The Committee stated that 285 of these, the vast majority of whom were peasants who had been involved in peaceful activities over land to which they had proof of ownership, had been jailed during the current Administration. Mexican political observers state that there has been a long history in Mexico of conflict over land, with different factions holding title to the same plots. On October 12, 25 different ethnic Indian groups held a march in Mexico City and presented a list of 150 Indians held in jail in different parts of the country. The demonstrators were appealing for an end to repression in their communities and a respect for their traditions. Both CONAMUP and the CNPA (National Coordinator for the Ayala Plan) demand the release of peasants imprisoned for what they term fictitious crimes. They specifically mention 13 members of an organization of Triqui Indians from Juxtlahuaca, Oaxaca, and seven peasants from the OCEZ (Organization of Peasants Emiliano Zapata).

On October 13, 1984, 11 peasants were freed after having been detained since September, 1983. All 11 are members of the Pacto Riberno, an organization formed to press for reparations from the national oil company, Pemex, for damage to or confiscation of lands in the State of Tabasco. These 11 were among 25 members who, according to the Pacto, had been accused of common crimes.

Amnesty International has adopted as prisoners of conscience four members of COCEI (The Coalition of Workers, Peasants and Students of the Isthmus) including one of its founders, Leopoldo de Gyves Pineda, who have been in prison since December 1983. The four have been charged with offenses against the public order, illegal carrying of arms and incitement to riot. The COCEI claims that the charges are politically motivated, following the forcible ousting of the PSUM/COCEI municipal government of Juchitan, Oaxaca, in July, 1983, (The PSUM/COCEI had won the 1981 election.)

During the annual Labor Day march, May 1, a homemade firebomb was thrown among Mexican dignitaries who were on a balcony of the presidential palace. Police investigators determined that the perpetrators were students at the Popular Preparatory School of Tacuba. On May 5, this institution was taken over by a combination of local police and federal authorities. About 100 students were arrested at the time, though most were released within a few days. Fourteen students were charged with involvement in the May Day incident, and continue to be held by the authorities.

On July 16, Adolfo Aguilar Zinser, a writer and critic of the Government's policy towards Guatemalan refugees, was abducted and held overnight. Neither the abductors nor the facility where he was held were identified, but Aguilar states that he was made to understand that he was being held because of his writing.

### e. Denial of Fair Public Trial

Under the Constitution, trial and sentencing must be completed within 12 months of arrest for crimes that would carry at least a two-year sentence. Nevertheless, trial delays are often caused by cumbersome court procedures, and by the defendants' inability or unwillingness to pay bribes in the form of "gratuities" to bring the case to trial. State authorities in some localities are attempting to correct such abuses. In February, 1984 the Governor of the State of Yucatan announced that he had discovered "grave irregularities" in the Office of the Attorney General, centering mainly on the solicitation of bribes. The Governor states that basic changes have been implemented.

Allegations have been made by the political opposition that the failure to bring to trial peasant activists, independent union members and those in the political opposition is politically motivated.

Defendants have a right to counsel and public defenders are available. Although certain sections of the criminal code provide for the convoking of tribunals with juries, in practice this almost never takes place. In most cases, a judge generally acting alone examines written statements, expert opinion, and, less commonly, oral testimony and then makes his decision.

### f. Arbitrary Interference with Privacy, Family, Home or Correspondence

Although the Mexican Government generally does not intrude on privacy of individuals, and search warrants are required by law, Mexican human rights activists and members of the political opposition have complained that they are followed by the police and that their telephone lines are tapped. During 1984, there were charges of invasions of peasants' homes by local landowners accompanied by police, without warrants, and allegations that these incidents were sometimes accompanied by robbery, rape, and the burning of homes. The incidents were sometimes connected with the phenomenon of "urban squatters" in Mexican metropolitan areas.

## Section 2 Respect for Civil Rights, Including

### a. Freedom of Speech and of the Press

Freedom of speech and of the press are guaranteed by law. Hand in hand with the Government's efforts to achieve its moral renovation goals, it is tolerating more direct public criticism, and bolder press articles have appeared. Certain topics, such as direct criticism of the President and the military, have traditionally been shunned by most media. At least one foreign journalist has been kept out of the country following such criticism; sources within the Government and local press have stated that this journalist and a colleague will not be allowed to enter Mexico. Overt censorship in other cases has been exercised primarily for the purpose of protecting public morality, be it in print, radio, movies or television. Nevertheless, press sources report that administrations in power influence the press by giving financial supplements to individual reporters for favorable articles, by withholding newsprint and ink (a government monopoly) from critical papers, and by selectively placing government advertising, an important source of income for the press. During the past year, some payments to journalists, reportedly previously abandoned by the de la Madrid Administration, appeared to have been reinstituted, according to local journalists and foreign correspondents based in Mexico. Such subsidies seem to be far less pervasive than during previous administrations, and some of these payoffs are indirect. In the case of advertising, for example, journalists may receive a percentage of the advertising sold to the entities which they cover. Opposition parties and some journalists have publicly accused the PRI's Office of Information of making large payments directly to other journalists. They say that this explains the reduction in direct government subsidies to journalists.

The popular radio program, "Opinion Publica", taken off the air by the previous Administration for broadcasting views critical of the Government, was reinstated in 1983. It currently operates, however, with an altered format, having abandoned live telephone call-ins in favor of recorded calls. In 1983, opposition observers noted that the change was for the purposes of censorship. The outspoken moderator remains the same, and controversial figures, including a person formerly numbered among the disappeared, but recently released, have joined him regularly on the show in 1984.

### b. Freedom of Peaceful Assembly and Association

The Constitution grants the right to peaceful assembly for any lawful purpose throughout the country, but a government permit is generally required for major demonstrations. Within the Federal District, opposition political groups, as well as peasant and indigenous organizations, are allowed frequent access to both main boulevards and the city's large central square for demonstrations. During the month of September, Rosario Ibarra de Piedra and a number of opposition deputies engaged in a prolonged hunger strike in support of the disappeared and political prisoners in Mexico. The strike was held within the precincts of the national legislative palace. Numerous demonstrations were held throughout the country in support of the hunger strikers, and most were unmolested. The press reported, however, that on September 25 60 members of the Revolutionary Workers Party were set upon by the judicial and municipal police while holding a supportive sit-in in the main square of Apizaco, a small town in the state of Tlaxcala.

Trade unions enjoy and practice the right to organize, negotiate, and strike. The majority of organized peasants belong to the National Conference of Peasants (CNC), also affiliated with the PRI. Several powerful independent unions also exist. Leaders of these independent unions and peasant organizations have complained of an increase in the level of repression and harassment against them from those bodies associated with the PRI. Campesino groups have charged increased killings and arrests of their leaders and militants, and that their movements and activities are carefully monitored by both municipal and federal police. Some independent unions are associated with opposition parties; on the left with the Unified Socialist Party (PSUM) and the Revolutionary Workers Party (PRT) while those to the right of PRI unions are not connected to any political party. Opposition political leaders have complained that government attempts to unify the two electricity-sector unions has included doing away with a non-PRI union. Others say that the absorption of this union is a natural process of consolidation.

### c. Freedom of Religion

Under the Constitution, individuals are free to practice the religion of their choice; however, no religious body has any legal existence. The clergy is prohibited from participating in politics, voting, owning real estate and wearing religious habits in public. Most of these prohibitions are not strictly enforced; neither is a constitutional restriction against pre-university religious schools, many of which exist. In practice the hierarchy of the Catholic church in Mexico maintains a close liaison with the Government. Though Mexico is predominantly Roman Catholic, Protestant and Jewish communities also exist.

Protestant Evangelists, especially from outside Mexico, are active and especially successful in certain rural, largely indigenous communities. In July 1984, state authorities in Chihuahua announced the expulsion of 52 such missionaries over a 98-day period in that state. The Government reportedly charged these missionaries with violating article 130 of the Constitution, which limits the holding of religious services to inside church buildings and homes. Some critics of the action have charged that the Government is selectively enforcing the anti-clerical laws in favor of the predominant Roman Catholic church. Other critics state that, in some outlying areas, the laws are not being enforced against the Evangelists so as to reduce the influence of the Catholic church.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement within and outside the country is unrestricted. Recently, however, because of problems of unrest within Guatemala, some areas along the border have been closed to the public by the military.

Mexico has in the past traditionally followed a liberal asylum policy and its borders have been open to Central Americans fleeing from their countries. During the past year, there has been some attempt to control these entries without closing the southern border. Early in 1984, the Government began to relocate all the refugee camps in the south to the Yucatan Peninsula, stating that this was necessary to protect the refugees from border incursions from Guatemala and to improve their living conditions. Critics of the relocations, however, say that their purpose was to discourage the influx of additional refugees. The number of registered Guatemalan refugees in Mexico in 1984 was officially estimated to have grown to about 47,000. Government spokesmen have stated that there is no plan to encourage the refugees to leave Mexico; however, Mexican authorities have assisted over 600 Guatemalans who have voluntarily returned to Guatemala. Estimates of Salvadoran refugees in Mexico continue to be unavailable from the Government, and Mexico does not consider them to be refugees. The UN High Commissioner for Refugees estimated that 15,000 Salvadorans were present in Mexico in late 1983. The number of Salvadoran political asylees in Mexico has been estimated at less than 100.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Mexico has been governed since 1929 by the PRI, the dominant party. To secure its continuity in power, the PRI has relied on revolutionary legitimacy, cooptation of the opposition, massive government and PRI organizational resources and--opposition parties charge--electoral fraud in some cases. The PRI has broad representation from labor, peasants, and other sectors of society. Opposition parties have recently been able to make inroads, especially among the peasants and the middle class. Election reform laws in 1977 legalized opposition parties beyond those then in existence, and earmarked seats in the state and federal legislatures for opposition parties and guaranteed them access to the public media. President de la Madrid, both in his first and second Annual Report to the nation, emphasized his commitment to political pluralism in Mexico. In the second address, he pointed to the registration of two additional opposition parties, the Authentic Party of the Mexican Revolution (PARM) and the Mexican Workers Party (PMT). Critics have observed, however, that it is in the interest of the PRI to keep the opposition fragmented. They also charge that the PARM joins the ranks of other so-called opposition parties, such as the Popular Socialist Party (PPS), which support the PRI.

The new electoral races in 1984 did not provide a test of this commitment to political pluralism, as effective opposition was not yet sufficiently developed in three of the four states where elections were held. In the state of San Luis Potosi, considered by Mexican political observers to be an area of strength for the National Action Party (PAN), the PRI won. The PAN has attributed this victory to fraud. Despite the opposition's allegations, it is undoubtedly true that a substantial portion of the population throughout Mexico supports and votes for the PRI. In 1984, the PRI initiated primary elections for selection of its candidates in a number of constituencies in order to promote internal party democracy.

A large number of elections for federal deputies and governorships will take place in 1985. The opposition says that the results in states with a developed opposition, such as Sonora, will be a test of the PRI's commitment to political pluralism.

Minority groups, including women and indigenous groups, are allowed full participation in the Mexican political process. Under the law, all citizens 18 and over may vote, though members of the clergy, under the Constitution, are denied this right.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Government participates in international human rights forums and allows both domestic and international human rights groups to operate in Mexico without restrictions or harassment. In 1984 Mexico established the Mexican Academy for Human Rights, and hosted the 22-nation First Ibero-American Congress on Political Rights. Mexico also hosted the Fourth Latin American Congress of Families of Detainees and Disappeared (FEDEFAM) in November 1983. Mexico is an active member of the UN Human Rights Commission.

Senior government officials appear to have been responsive to the human rights campaign mounted by Rosario Ibarra de Piedra in September. The Secretariat of the Interior is reportedly investigating at least some of the allegations of disappearances, and Ibarra has been promised an audience with President de la Madrid to discuss the disappeared and political prisoners.

Amnesty International has an office in Mexico and its annual report on human rights is easily available. Its 1984 report, which covered calendar year 1983, was concerned mainly with arbitrary arrest and prolonged incommunicado imprisonment of political prisoners, sentences based on confessions allegedly extracted under torture and ill-treatment, and disappearances. Amnesty was also concerned about information on the arbitrary arrest and murder of members of rural communities and Indian groups, in some cases alleged to have been carried out directly by members of the official security forces, and in others by armed civilians who seemed to be acting in concert with the former. Amnesty's report "Torture in the 80's" states that the most frequent and consistent allegations of torture have been made against the Division of Investigations for the Prevention of Delinquency (DIPD), disbanded by President de la Madrid as one of the first acts of his Administration. Press reports in August stated that the federal judicial police were searching for a torturer employed by the DIPD inside a prison near the Tula River. His identity was established by testimony from the members of the DIPD's Jaguar Group, themselves under indictment.

Freedom House rates Mexico "partly free".

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Mexico's major domestic, economic and social problems are poverty, inflation, a depressed level of economic activity, unemployment, severely uneven income distribution, and a high rate of population growth.

In December 1982, the new de la Madrid Administration began a wide-ranging program to reduce inflation and increase foreign exchange reserves without unduly reducing employment levels in the short term. The longer term objective is to promote a sustainable rate of growth that will reduce unemployment and, hence, poverty. The Government maintains its right to regulate many private economic activities in the public interest. Restrictions regarding the ownership of property by foreigners generally limit foreign equity participation in business enterprises to 49 percent.

Mexico's population in 1984 was estimated at 77.7 million and its population growth rate stood at 2.5 percent in 1984. Life expectancy at birth was 66.3 years and the infant mortality rate was 44.3 per 1,000 live births. Mexico has become an urbanized society, with 67 percent of the population living in cities as of 1980. Over 16 million people live in the Mexico City metropolitan area.

Primary education is both free and obligatory and has been extended to include 10 years of schooling. The primary school enrollment ratio in Mexico was 122.4 percent in 1981 (male 123.8 and female 120.9), reflecting the presence of adults and older children in primary school classes. Adult literacy as of 1980 stood at 83 percent. As of 1984, 58 percent of the population had access to safe water (urban, 61 percent and rural, 51 percent). The average caloric supply as a percent of requirements was 114 percent in 1977. There is no discrimination based on race, religion, sex, ethnic background or political opinion in the availability of food, shelter, health care, and education.

## MEXICO

The gross national product per capita was $2,269.40 in 1982. Inflation and unemployment continue to trouble the economy. The Mexican Government contends that open unemployment is 8.0 to 8.5 percent. Underemployment has been estimated by many observers at 30 to 40 percent for several years.

Men and women are equal in principle under the law. Mexican women have the right to file for divorce and separation. There are no travel restrictions on women and they can own property in their own names. Over the past ten years, women have increased their presence in non-traditional occupations. However, the concept of women as mothers and homemakers continues to dominate.

The number of women's action groups is increasing and it appears that the objectives of women are becoming more diversified. Women comprise approximately 26 percent of the work force in urban areas but continue to work predominantly in nonsupervisory jobs with few at the executive level. However, a women is now Secretary-General of the dominant political party. Of the 64 senators elected to the 52nd legislature, six are women; of the 400 federal deputies, 35 are women.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: MEXICO

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 8.7 | 8.2 | 8.4 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 8.7 | 8.2 | 8.4 |
| A.AID ................. | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.0 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 8.7 | 8.2 | 8.4 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 8.7 | 8.2 | 8.4 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 8.4 | 7.8 | 8.3 |
| OTHER............ | 0.3 | 0.4 | 0.1 |
| II.MIL. ASSIST.-TOTAL... | 0.1 | 0.1 | 0.2 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.1 | 0.1 | 0.2 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.1 | 0.1 | 0.2 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 8.8 | 8.3 | 8.6 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 8.8 | 8.3 | 8.6 |
| OTHER US LOANS.......... | 293.4 | 88.2 | 0.0 |
| EX-IM BANK LOANS....... | 293.4 | 37.2 | 0.0 |
| ALL OTHER............. | 0.0 | 51.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 804.5 | 1373.2 | 882.5 | 11093.9 |
| IBRD | 657.3 | 887.9 | 576.3 | 7198.4 |
| IFC | 10.5 | 179.2 | 25.2 | 776.6 |
| IDA | 0.0 | 0.0 | 0.0 | 0.0 |
| IDB | 134.1 | 306.0 | 281.0 | 3047.3 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 2.6 | 0.1 | 0.0 | 52.9 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 18.7 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## NICARAGUA

A three-man junta--composed of one member of the Sandinista National Directorate, another high-ranking Sandinista member, and one pro-Sandinista Democratic Conservative Party member--served as nominal head of the Government of National Reconstruction throughout 1984. The Junta was formally terminated following the January 1985 inauguration of President Daniel Ortega and Vice President Sergio Ramirez, both former Junta members. Real political power continued to be wielded by the National Directorate of the Sandinista National Liberation Front, a group of nine Marxist revolutionary leaders who took control in July 1979. This body--of which the President is a member--controls policy-making in the Government, and to a large degree, implementation of policy through a parallel party-government structure.

The Sandinistas seized power in 1979, forming a coalition Government with broad popular support and promising to replace the discredited Somoza dictatorship with new social, political and economic systems based on the principles of pluralism, free elections, a mixed economy, and observance of human rights. In the ensuing five years, however, the Government has not fulfilled these promises. It has used intimidation and the restriction of basic human rights to consolidate the power of the Sandinista Front. Though elections were held on November 4, 1984, important sectors of the political opposition declined to participate because of the Government's failure to ensure conditions for a fair and free campaign. Repression and intimidation by government forces against the opposition political parties that did participate in the brief campaign further underscored the unfair nature of the elections.

The Nicaraguan economy is heavily agricultural. Its industrial sector (food processing and some light manufacturing) suffered heavily during the 1978-79 overthrow of Somoza and has yet to recover. Basic foodstuffs widely available in the past are increasingly scarce and subject to rationing. The Government has carried out a number of expropriations which have had a purely political objective. The increasingly state-managed economy, with pervasive controls on prices, credit, imports and exports, and sales of foodstuffs, combined with heavy military expenditures and an often capricious implementation of agrarian reform through expropriation, has negatively affected the middle and upper income groups while producing a decrease in living standards for the poor.

Nicaraguan society is divided into a large working class, composed basically of urban laborers and rural peasants, a small but important middle class, and a minute upper class. The population is overwhelmingly Catholic and the Church is a vigorous institution which serves as one of the country's most influential advocates of human rights. The Government has sought to reduce wide-spread illiteracy and has improved preventive health care for many Nicaraguans, though curative medicine has deteriorated.

The Government continued in 1984 to support terrorist groups in other countries of the region, notably in El Salvador. Honduras and Costa Rica protested Nicaraguan Army incursions and shellings of their territory. Throughout 1984, the Sandinista Government increasingly found itself fighting a civil war against anti-Sandinista guerrillas, which the Government called "counter-revoluntionaries" or "contras" (terms used loosely by the Government to refer to guerrillas and anyone else it chooses to consider "subversive"). Government security forces reportedly tortured and executed persons suspected of assisting the guerrillas, while the Government accused the guerrillas of killing and kidnapping civilians. The Sandinista Army continued arbitrary and sometimes forced military conscription, prompting widespread dissatisfaction and several public protests by Nicaraguan mothers.

During 1984 the Government continued to tighten Sandinista control over Nicaraguan society and to intimidate the remaining opposition. The State of Emergency declared in 1982 remained in effect throughout 1984, although some provisions were modified. The Government continued to use Special Tribunals established outside the judicial system to try cases of suspected subversives. This denies the accused the better, though still flawed, legal protection provided by the regular courts. The Sandinistas continued to rely on organizations controlled by the Sandinista National Liberation Front, such as the ubiquitous "block committees," to help implement their policies at the local level and to exert control, instill loyalty and to identify and implement sanctions against suspected opponents. Using both its own powers and intimidation by Sandinista organizations, the Government systematically harassed opposition political parties, independent labor confederations, the private sector, the Catholic Church, and the independent media. The Government continued prior censorship of the print and electronic media, and cracked down with new vigor in this area after some relaxation during the 1984 campaign period. Sandinista block committees and other organizations frequently disrupted campaign rallies held by opposition political parties, contravening guarantees in the electoral law. The police often did not intervene to prevent such harassment or violence. Through both legal and extra-legal means, the Government continued to seize private property. The 10,000 Miskito Indians forcibly resettled from their Rio Coco homelands in 1982 continued to be prohibited from returning there. About 2,000 more Miskitos fled en masse to Honduras in April and May. There are continuing credible reports that the security forces have tortured and killed Miskito Indians and have confiscated or destroyed their food supply and property.

Two domestic human rights organizations operate in Nicaragua. The Permanent Human Rights Commission (CPDH) is an independent agency established in 1977. It played a key role in exposing human rights violations committed under the Somoza regime. After the Sandinistas came to power in 1979, the CPDH also publicized human rights abuses committed under the new Government. Since 1981, the CPDH has been subject to constant harassment by the Sandinista National Liberation Front, impeding its work but not silencing its voice. The Government founded the National Commission for the Promotion and Protection of Human Rights in 1980. The National Commission claims to be independent, but the Government appoints its members and funds its budget. It is the only organization permitted by the Government to file applications for pardon or to request the review of cases on human rights grounds. It is also charged with reporting incidents of human rights abuses to the proper authorities and promoting the observance of human rights within the Government.

## NICARAGUA

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

There is credible evidence that the military and security forces were responsible for the deaths of a number of detained persons in 1984. The CPDH documented six such cases, and it estimated that many more went unreported. The Government responded to these accusations by claiming some were "killed while attempting to escape" or "killed while resisting arrest," while others were allegedly guerrillas killed in combat. The CPDH also reported that military and police officials arbitrarily shot a number of suspected subversives. In one case three officials reportedly shot a mentally handicapped farmer who they claimed was a dangerous suspect, though they had no warrant and did not present any charges to the family. Displaced persons reported that military and security forces operating in remote areas summarily executed local peasants whom they suspected were anti-government guerrillas or their sympathizers, sometimes after physically mutilating them. In the section on Nicaragua of its 1984 annual report, the Inter-American Human Rights Commission of the Organization of American States stated, "Concerning the right to live, human rights organizations have continued to denounce violations, especially in the forms of forced disappearances and as a result of the abuse of power by members of the security forces. The Commission has been able to verify that a large number of the denunciations referred to events that took place in the zones of conflict."

The Government claimed that guerrillas killed around 1,000 civilians in 1984. Some civilians have died in the fighting between the Government and the guerillas, although no reliable information is available on their number. Some reportedly died in guerrilla ambushes of government military vehicles carrying civilian passengers. The Government has charged the guerrillas with torturing and summarily executing prisoners. The guerrillas have denied that they target civilians and have asserted that the security forces' indiscriminate use of heavy artillery near population centers has caused civilian casualties.

On January 11, 1984, a Nicaraguan Army patrol crossed into Honduras and killed eleven Nicaraguan Miskito Indians--including three children--at Kiwastara. Honduras protested this and other Nicaraguan Army violations of Honduran territory, as well as Nicaraguan involvement in the infiltration into Honduras of Cuban-trained guerrillas in July 1984. Costa Rica protested several Nicaraguan violations of its territory, including Nicaraguan Army mortar attacks. There is credible evidence that substantial Nicaraguan support for the guerrillas in El Salvador continued to flow during 1984. El Salvador protested continued Nicaraguan material support for the Salvadoran guerrillas, documenting its charges in an August 1984 brief filed with the International Court of Justice.

#### b. Disappearance

The security forces often hold suspected guerrillas and subversives incommunicado indefinitely without notifying

family members. In 1984 the CPDH documented 60 cases of disappearances in which security forces were implicated, but in which the Government would not acknowledge involvement. In some of those cases, though reported in 1984, the individuals had actually disappeared in earlier years. The Government for its part claimed the guerrillas kidnapped many civilians. It is widely believed that many of these alleged kidnappings may have been voluntary desertions to the guerrillas.
Anti-Sandinista guerrilla forces took captive three Sandinista Front members, including Sandinista National Assembly candidate Ray Hooker, on September 5. The guerrillas released all three on October 30 in exchange for three prisoners held by the Government. During 1984, one guerrilla group turned over 54 captured soldiers to the Costa Rican Red Cross.

### c. Torture and Cruel, Inhuman or Degrading Treatment or Punishment

In 1984 the CPDH continued to collect evidence of systematic physical and psychological abuse and torture. Prisoners were reportedly kept in cramped, dark cells and fed meals at irregular intervals in order to disorient them, ordered to use only their prison numbers and not their names, and subjected to physical abuse and to threats against their family. One prisoner claimed that food and medical attention were almost nonexistent, and that whatever supplemental foodstuffs were brought in through relatives were stolen by the guards. Another reported that he was kept naked in a cold cell with a ceiling so low he could not stand upright. Other reports alleged prisoners were suspended from the ceiling by their hands during interrogation. Prisoners also reported being beaten with chains, fists and gun butts. It was alleged that, as a form of punishment, one prisoner was placed in a cell with several tuberculoid prisoners. Cases of psychological torture were also frequently reported. Prisoners were forced to listen to the screams of those being tortured, then were told by security officials that the screams came from members of their families. One prisoner was told, falsely, that his family had been arrested by security officials, who forced the spouse to don prison garb. She and her husband were then allowed to see each other but not to converse. Reportedly, security officials physically abused and threatened alleged "subversives" and political suspects. Nicaraguans who fled to Costa Rica reported incidents of rape, torture and murder of children by security and military forces. In the case of Prudencio Baltadano soldiers tied him to a tree and cut off his ears. Interior Minister Thomas Borge admitted that some cases of physical abuse and killings of detained persons by security forces had occurred, but claimed the Government was working to resolve the problem. The National Human Rights Commission also stated that occasional individual abuses of authority had occurred, but insisted that those guilty had been found and punished.

On May 30, 1984, Amnesty International reported in a press release that it had "confirmed that some prisoners have been tortured or ill-treated in Nicaragua." Protests of ill-treatment from individual prisoners or domestic and international organizations have been followed by internal military and police disciplinary hearings, as well as public hearings by criminal courts and courts-martial against police and military personnel alleged responsible. Recent cases include a civil court trial of police officers of the City of

Leon, for mistreatment of prisoners. In March a public hearing was held to consider a range of charges against a local military commander and 41 subordinates in the northern department of Jinotega. Sentences of up to the maximum 30 years' imprisonment were handed down in the cases of the commander and 12 others after conviction on a series of charges for abuses, including torture and murder, carried out during counterinsurgency operations in the area in November and December 1983.

In general, Nicaraguan prisons suffer from severe overcrowding. The Government allows the prisoners one visitor every two months and recently announced that those prisoners serving sentences of longer than 10 years would be allowed one visitor every three months. The visitors are allowed to bring food to the prisoners, but no food may be left with the prisoner after the visit. Although conditions are reportedly better in a few prison farms in the Managua area, the CPDH says that these prison farms are used for propaganda purposes and that the only prisoners allowed in them are those whose sentences are almost completed or who have collaborated with the authorities. The CPDH believes that prison conditions in general deteriorated during 1984 and alleges that prisoners' families feared reprisals if they requested reviews of cases or conditions. The CPDH also said that in 1984 it became more difficult to pursue appeals and other legal recourses. The International Committee of the Red Cross made periodic visits to the prisons, providing medical and nutritional assistance and seeing all the prisoners at least once every three months. During 1983 these visits were interrupted, but they resumed in early 1984. However, the Red Cross has not been given access to those detained in special state security facilities separate from the regular prisons. According to Catholic Church officials, priests are denied access to most prison facilities.

### d. Arbitrary Arrest, Detention or Exile

According to the Government, there were approximately 5,000 persons in jail, including about 2,000 ex-National Guardsmen or persons accused of cooperation with former President Somoza. The CPDH estimated 900 prisoners had been convicted for "subversive" activities and an additional 500 were being held pending charges.

The 1982 State of Emergency suspended those provisions of the Fundamental Statute promulgated by the Government in 1979 which granted detained persons the right to be held for no more than seven days without arraignment. Habeas corpus was also suspended in security-related cases. Both of these rights were partially restored on August 6, 1984. As anti-government activities increased in 1984, the security forces arrested hundreds of suspects under the Law of Maintenance of Order and Public Security. Open expression of dissent on occasion resulted in harassment or detention. Suspected guerrillas and "subversives" continued to be held in special holding facilities with no access to legal counsel or to domestic or international humanitarian organizations. Some were released after the completion of an investigation lasting from three to six months on the average, others were remanded to the special tribunals, and many simply remained in detention. In 1983 the Government declared that because of the security situation, some former National Guard members had to remain in custody even though they had completed their sentences and this practice continued in 1984. Others held on security charges also remained incarcerated after they had been exonerated or had served their sentences. Former Minister of Defense Bernardino Larios, charged in 1981 with plotting the assassination of Sandinista leaders, was held for three years until the Supreme Court overturned his conviction and ordered his release. Larios was held an additional 40 days before the Government finally honored the release order, and after his release, he was refused permission to leave the country and was subjected to other government-inspired harassment. The Inter-American Human Rights Commission's 1984 annual report called attention to, "numerous detainees holding release orders issued by a competent judge, but who are kept in prison for prolonged periods, with no reason given for the detention. Situations such as the above represent a violation of the right to personal freedom and to due process, and they must be remedied promptly to lend substance to the Nicaraguan Government's statements concerning the independence and authority of the country's judiciary. The Commission repeats, with respect to the right to a trial and to due process, that the remedy of habeas corpus or amparo may not be suspended as it has been in Nicaragua."

In 1984 the Government extended indefinitely the amnesty originally granted in December 1983 to Miskito Indians from northern Nicaragua and certain exiles and "counterrevolutionaries." Nevertheless, the CPDH documented the cases of 60 Miskito Indians who remained jailed in 1984. Notwithstanding the CPDH's repeated inquiries, the Government gave it only partial responses in 17 of the cases. In one case the Government claimed the prisoner had been released, but prison officials told relatives the prisoner had merely been transferred to another facility. Moravian Church officials claimed to know of an additional 24 Atlantic Coast residents being held in Nicaraguan prisons on political charges. In late 1984, the Government began talks with leaders of one of the Miskito Indian guerrilla groups.

The Government does not specifically exile dissidents. Many opposition leaders and activists have fled on their own, however, and fear they would be imprisoned if they returned. In a May 30, 1984 press release, Amnesty International reiterated its longstanding concern about the "detention of prisoners of conscience, deficiencies in trial proceedings, and limitations on the right of appeal to sentences handed down by Special Tribunals created to try some categories of prisoners." In its 1984 annual report, Amnesty International stated that, "Many supporters of legal political parties, trade union organizations, and other bodies opposing government policies were detained for questioning for periods ranging from several hours to over one month of incommunicado detention, before being released without charge. Amnesty International believed that a pattern of harassment emerged from the detention of trade union members and other suspected opponents of the government for short periods of questioning. Many such detainees subsequently reported being threatened that they would be detained again for prolonged periods under the Public Order Law if they did not assist the security forces or resign from certain lawful organizations."

The CPDH believes that the disappearances, noted in section 1b in which security forces were implicated, involve "a deliberate policy of keeping prisoners incommunicado and at the mercy of their captors, undergoing all sorts of physical and psychological abuse."

### e. Denial of a Fair Public Trial

Under the 1979 Fundamental Statute, the judiciary was to be an autonomous branch of government, an independence generally exercised in ordinary criminal cases. In cases where the accused was charged with "counterrevolutionary" or "subversive" activity, however, judges have routinely decided in favor of the prosecution. Nevertheless, some judges have continued to exercise limited independence. For example, the Supreme Court ruled in January that the conviction of former Defense Minister Bernardino Larios was improper, due to an absence of convincing evidence, and ordered that the prisoner be freed.

In April 1983 the Government established special "Popular Anti-Somocista Tribunals" to handle the rapidly growing number of cases of accused guerillas and "subversives." These tribunals, which became increasingly active in 1984, operate outside the conventional judicial system, and their decisions cannot be appealed to the regular court system. The members of the tribunals are selected from the ranks of Sandinista organizations, and only the president of each tribunal is required to be a lawyer. Persons tried in these courts have the right to counsel and to introduce evidence, but the tribunals are granted great discretionary powers in determining whether evidence is admissible and whether it is sufficient for conviction. The proceedings of the tribunals are declared to be open to the public, but in some cases attendance is restricted. Trials have reportedly been scheduled with little advance notice, limiting opportunities for the accused to prepare his defense. Often the prisoners, even after "confessing" to state security officials, have been held under investigation for three to six months before being suddenly brought to trial. Since all Special Tribunal cases are tried in Managua, witnesses who live in other areas of the country are hard-pressed to attend trials on time. In its 1984 annual report, the Inter-American Human Rights Commission wrote that, "The procedures followed by the Anti-Somoza Courts give rise to serious doubts with respect to observance of the norms that guarantee due process." According to the CPDH, during the first ten months of 1984 the tribunals had adjudicated the cases of approximately 620 prisoners, of whom about 90 percent were found guilty and sentenced to up to the maximum penalty of 30 years in prison. In one case a prisoner was sentenced to seven years, and upon appealing to another tribunal was sentenced to an additional eight years, reportedly for having made recourse to the services of the CPDH.

In 1984, as in past years, the Government made use of national television and radio to accuse suspected "subversives." In April, state security officials used this method to accuse a priest, a doctor and several members of an independent union of arms trafficking and sabotage.

### f. Arbitrary Interference with Privacy, Family Home, and Correspondence

The Government has developed an elaborate and effective security and intelligence network employing both government agencies, such as the security forces, and Sandinista party organizations, particularly the "Sandinista Defense Committees," to ferret out dissidents and suspected "subversives." The Sandinista Defense Committees, organized in most neighborhoods throughout the country, serve as a network of informers and as an instrument of pervasive political control and intimidation--they are self-described as the "eyes and ears of the Revolution." Participation in the Defense Committees is supposed to be voluntary. However, the Sandinistas employ many methods to entice or pressure individuals into joining, including Committee control over the distribution of ration cards for the purchase of basic products such as rice, beans, and soap. While many who do not participate in Sandinista activities suffer no ill effects, others are arbitrarily branded as politically suspect or are denounced by Sandinista activists as subversives. People who criticize the "revolutionary process" or its leadership may be subjected to pressure ranging from public ridicule and defacement of their homes by Sandinista mobs to loss of employment and even detention. There have been reports that members of the Sandinista youth group have denounced teachers for their political views, whereupon the teachers have been fired.

As the November elections approached, the Government made it increasingly difficult for citizens to remain neutral. Mobs composed of scores of Sandinista Front supporters demonstrated at the homes and offices of opposition figures, chanting slogans and threats, and defacing buildings with pro-Government graffiti. The mobs sometimes resorted to violence, vandalizing nearby cars, beating people, and disrupting opposition political rallies during the electoral campaign. Such mobs heightened the climate of fear in which critics of the regime lived and worked. The Government took no responsibility for these actions. It stated that it regarded them as "legitimate expressions of the popular will" and did not interfere to protect the rights of those victimized by them. In September, government agents closed several technical schools in Leon, transported the students to Chinandega, where they were directed against high school students, mostly female, who were marching in protest against the draft. A number of the girls were badly beaten. The Government also showed on occasion that it could stop such activity when it wished to do so. When several days of intense mob activity in September aimed at disrupting political rallies by opposition candidate Arturo Cruz focused wide international attention on the Government's use of such techniques, a subsequent opposition party rally took place with no interference whatsoever.

There are credible reports that under-age Nicaraguan males have been impressed into military services, including, in some cases, boys younger than 15. The Inter-American Human Rights Commission concluded in its 1984 annual report that, "On many occasions, young people who are ineligible under the very terms of that law that created the service have been drafted into it. Furthermore, it has been pointed out that this recruitment takes place not only for reasons of national defense but also as a means of political indoctrination of those drafted into the ranks of the army." In November in the town of Chinandega, an estimated 3,000 young men were forcibly taken from their homes in handcuffs, during a massive forced conscription effort.

On December 24, 1984, government agents forcibly entered the Costa Rican Embassy and removed a Nicaraguan youth who had sought asylum there. Costa Rica vigorously protested this action.

The State of Emergency suspended the legal requirement for a search warrant. Police and state security officials regularly enter and search private residences. The Government opens private mail and intercepts both incoming and outgoing international mail. Officials inspect the baggage and personal effects of both arriving and departing international travelers and confiscate items of literature, including newspapers from neighboring countries alleged to be subversive.

In late 1981 and early 1982 the Government forcibly relocated about 10,000 Miskito Indians from their homelands to distant resettlement camps. During 1984 the Government refrained from further relocations but refused to permit those Indians already displaced to return to their homelands. Relocation camp residents are allowed to fish and hunt but are prohibited from using firearms unless they belong to the Sandinista militia. They reportedly cannot go more than two kilometers from their camps without government permission. Even their canoes, upon which they rely for their livelihood and transportation, must be registered with the Government. Residents are paid for agricultural work with food rather than money. There continued to be credible reports of food shortages and malnutrition in the resettlement camps during 1984. In its July 1984 "Report on the Situation of Human Rights of a Segment of the Nicaraguan Population of Miskito Origin," the Inter-American Commission on Human Rights concluded that, "hundreds of Miskitos have been arbitrarily detained without any formalities and under vague accusations of carrying out 'counterrevolutionary activities;' many of these detentions have been followed by prolonged periods of incommunicado imprisonment and in some cases the Commission has verified that illegal torture and abuse took place." The Commission also stated that, "With respect to the destruction of the homes, crops, livestock and other belongings of the Miskitos at the time of the relocation, Government officials themselves have recognized that these acts took place."

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The Government continued to maintain prior censorship of both the printed and electronic media throughout 1984. The only independent source of news in the country is the newspaper La Prensa. Since 1979, 20 independent radio news programs have gone off the air as a result of government censorship. Currently, all radio news programs, the two television channels, and two of the three daily newspapers either support or are controlled by the Government. The Government expelled a correspondent from the Spanish news agency EFE in March 1984. While there is no censorship of domestic or imported books, few books from the West are on sale in Nicaraguan book stores, which are stocked almost entirely with publications from Communist countries. Censorship of La Prensa in 1984 continued to be capricious and increased sharply by the end of the year. Government censors cut articles ranging from reports on democratic leaders, the expulsion of 10 foreign priests, a conversation with government guest Jesse Jackson and Costa Rican visas. Though a July 19 government decree proclaimed that censorship would continue only on matters of national security, censorship in fact continued on internal political matters, economic problems, human rights, and many other non-security related issues. Shortly after this decree was issued, the Government informed private radio station owners that all radio news remained subject to prior censorship.

La Prensa editors estimate that between January and October 1984 the Government censored 20 percent of their stories on current national and international events. The paper did not appear on at least 14 occasions in 1984 in response to heavy censorship. Following the elections, the Government doubled its censorship of La Prensa, with an average of ten censored articles per day in November. A La Prensa photographer and a journalist were detained for several months for alleged "subversive" acts. La Prensa charged that the Government also continued to harass its distributors outside Managua. The Government continued to insist that the sermons of Managua Archbishop Obando y Bravo be submitted to censors at the Ministry of Interior prior to live radio broadcast. The Church has refused to do this, and the Archbishop's sermons are no longer heard live on the radio, although they are printed in La Prensa and subsequently rebroadcast. In July the censors threatened to shut down Radio Catolica (the Catholic Church radio station) because it deviated from scheduled programming to play religious music as a tribute to 10 priests expelled by the Government.

The Government's imposition of "curriculum rationalization and coordination" on the two Nicaraguan universities has limited their autonomy in developing their curricula and has further circumscribed academic freedom. The Ministry of Education has imposed on primary and secondary schools as well curricula with a strong ideological content. The Sandinista youth organization is a pervasive influence in the public education system, and has reportedly paid for some members' tuition in private schools in order to have the organization represented there. Sandinista youth members allegedly have denounced teachers for not supporting the Government.

### b. Freedom of Peaceful Assembly and Association

The 1982 State of Emergency Decree suspended the right of assembly, but the Government allowed opposition groups to hold indoor meetings. Small demonstrations, including one commemorating the anniversary of the death of former La Prensa editor Joaquin Chamorro, were also allowed. However, in July the Government reacted to a Catholic Church-organized march in support of a priest accused of "counterrevolutionary activities" by expelling ten foreign Catholic priests. On July 19, the fifth anniversary of the Nicaraguan Revolution, Junta Coordinator Daniel Ortega announced that the right of free assembly would be restored to those opposition political parties that registered for the November elections. Nevertheless, registered political party rallies and marches were subjected to frequent and often violent interruption by Sandinista mobs.

When students in Chinandega marched in August to protest against military conscription, the Government reportedly made teachers personally responsible to ensure their students did not participate in future demonstrations. At least one of the schools from which these students came has since been threatened with closure. Political meetings held indoors by non-registered political parties were also subjected to mob attacks. None of the restrictions applied to pro-government organizations, which held frequent open-air rallies throughout the year. Students in public schools were released from school early and obliged to participate in some Sandinista rallies, as were government workers and members of the armed forces.

The Government has attempted to weaken the independent labor movement while creating alternative labor bodies controlled by the Sandinista Front. It controls most of the 20 to 30 percent of the total workforce which is organized. The Sandinista Front's two principal confederations, the Sandinista Workers' Central (CST) and the Association of Rural Workers (ATC), have over 120,000 members and dwarf the non-Sandinista organizations, which have about 40,000. In theory, the Sandinista unions serve as a conduit for workers' desires and grievances to the Government. In fact, these confederations consistently support government policies such as strict labor discipline and worker participation in defense activities.

Approximately 60 members of the independent Nicaraguan Workers' Central (CTN) were detained during the year, some for as long as four months. At least six CTN members formerly convicted of "subversive" activity were pardoned by the Council of State in 1984. Twelve members remained in detenion at year's end. Police entered and searched the Managua headquarters of the CTN on May 24, taking with them several documents, and returned later and arrested several members of the union. The independent Confederation for Labor Unification (CUS) was subject to similar government harassment. On May 1, a Sandinista mob entered a CUS school and damaged some of its equipment. In September, two CUS members who reportedly received logistical support from the Government occupied the CUS headquarters and called for its withdrawal from the Coordinadora, a coalition of groups opposing the Government. When Confederation leaders attempted to hold a meeting to discuss the issue, pro-government mobs interrupted the proceedings. In the resulting melee several injuries occurred. The police then occupied the headquarters briefly before returning the building to the CUS.

The Government requires that the Labor Ministry participate in collective bargaining and approve any labor-management contract; until August, strikes were illegal. On August 6 the Government restored the right to strike. Shortly thereafter, a Sandinista union called a strike. Further labor unrest was cut short by government warnings--supported by the Sandinista Workers' Central--that strikes or work stoppages were threats to national security and would not be tolerated. In a September 8 speech, Sandinista Front National Directorate member Victor Tirado declared that, "The strike as a weapon, as a political instrument of the working class, has already passed into history."

The major labor confederations maintained ties with recognized international labor bodies. The CST is a member of the Soviet-aligned World Federation of Trade Unions. The Christian Democrat-oriented CTN is affiliated with the Latin American Confederation of Workers. The CUS is a member of the International Confederation of Free Trade Unions as well as a member of several regional organizations. The Government designated the ATC to represent Nicaraguan labor at the 1984 International Labor Organization Conference in Geneva.

c. Freedom of Religion

Catholicism is practiced by about 80 percent of the population. Although a number of other faiths are legal and operate freely, the Government has harassed and expropriated property from certain faiths, such as the Seventh-Day Adventists, Mennonites, Jehovah's Witnesses, Mormons, Jews, and the Moravian Church.

Initially highly supportive of Sandinista, the Catholic Church has become increasingly disenchanted with Sandinista policies. Most of the clergy, led by Managua Archbishop Miguel Obando y Bravo, wish to remain independent of the Government and are increasingly critical of it. At the same time, a minority faction which terms itself the "Popular Church" is strongly pro-Sandinista. The division between this faction and the rest of the Church is based partly on theological issues, but also reflects the ongoing struggle between the Church and the Sandinista Government over the direction of post-Somoza Nicaragua. The Government has harassed the Church repeatedly, and the bishops are regularly attacked in the government and pro-government press. The Church has resisted government efforts to assert greater control over Catholic schools. The Government, which had banned Obando Y Bravo's televised masses in 1981, continued to prohibit the live broadcast over radio of his Sunday sermons during 1984. In April the Government delayed the publication of a pastoral letter of the Catholic Church's Espiscopal Conference calling for national reconciliation, and conducted a bitter campaign against the Church hierarchy in the government media. Sandinista mobs harassed persons attending some Catholic Church events, and on one occasion set fire to weeds surrounding a church and hung a Sandinista union flag from the steeple. In late June the Government accused a priest of subversive activity and restricted him to a local seminary. When priests in Managua undertook a brief protest march in support of the accused priest, Interior Ministry officials responded by expelling ten foreign priests--including some who had not taken part in the march--and canceling their residence permits. The Government also refused to grant residence permits to some foreign priests and nuns working in Nicaragua. On several occasions, the Government refused to honor visas issued to priests and denied them entrance into the country. The Government has also on at least two occasions attempted to place priests in sexually embarassing situations which could be manipulated to discredit the church hierarchy. In 1982 such an attempt was made against Church spokesman Monsignor Bismarck Carballo, and in 1984 against a visiting Venezuelan bishop and two other priests. The Inter-American Human Rights Commission found that, "Although it is true that much of the friction between the Government and the churches arises from positions that are directly or indirectly linked to the political situation of the country, it is also true that statements by high government officials, official press statements, and the actions of groups under the control of the Government have gone beyond the limits within which political discussion should take place and have become obstacles to certain specifically religious activities."

Some smaller denominations continued to be persecuted for spreading allegedly subversive ideas and for collaborating with "counterrevolutionaries." Several properties that Sandinista mobs had seized in 1982 from the Seventh Day

Adventists, the Church of Jesus Christ of Latter-Day Saints, the Mennonites and Jehovah's Witnesses remained under government control throughout 1984. Two members of the Jehovah's Witnesses were detained in August, and others requested protection from the courts because of harassment by Interior Ministry officials.

The 1978-79 insurrection and government policies since 1979 led virtually all of the approximately 50 members of the Jewish community to leave the country. In 1984 the Government maintained its 1983 offer to restore the Managua synagogue--which the Government had earlier confiscated--to the Jewish community, in response to repeated efforts by the Anti-Defamation League of the B'nai B'rith. The Government also agreed in principle to review one case of a member of the Jewish community whose property had been confiscated, but thus far has refused to restore the property or to offer compensation. The Government continues to maintain close ties with the Palestine Liberation Organization and maintains strong anti-Israel and anti-Zionist positions in international organizations.

### d. Freedom of Movement Within the Country, Foreign Travel, Immigration and Repatriation

On July 19, 1984, the Government announced it would guarantee freedom of travel throughout the country as part of its electoral campaign program. However, military and security forces in 1984 continued to operate numerous checkpoints, particularly in the northwestern areas of the country, and access to some areas was often temporarily restricted because of military activity. For example, the entire Atlantic Coast region remained a restricted military area, and individuals continue to require Interior Ministry permission to travel there.

The Government requires exit visas for all Nicaraguan citizens and residents who desire to leave the country. After the elections in late 1984, it blocked the departure from the country of at least 22 opposition leaders and members. Following intense international criticism, it subsequently authorized some of these people to travel abroad. In January 1985, the Government announced that tickets for foreign travel must be purchased in U.S. dollars. Since the sale of foreign currency is strictly controlled by the Government--and is usually unavailable to the general public--the result may be to curtail opposition travel abroad.

The Government continued in 1984 to confiscate the property of Nicaraguans who remained out of the country for periods of six months or more. It has not, however, permanently blocked the return of Nicaraguan citizens, nor has it taken action against non-Nicaraguans returning to Nicaragua from other countries. Neither has it revoked the citizenship of opposition leaders in exile, though it did begin criminal proceedings against a number of leaders of the armed opposition. The Government has, however, denied entry to several foreign priests, notwithstanding their possession of valid Nicaraguan visas. It also canceled the residence permits of 10 foreign priests in June and has refused to grant resident status to other foreign priests working in Nicaragua.

During 1984 thousands of Nicaraguans left the country, joining the tens of thousands who have abandoned the country since

1979. Between January and May 1984 an estimated 1,500 youths between 17 and 25 fled Nicaragua to avoid military conscription. Several thousand Miskitos crossed into Honduras during the year, including 2,000 who fled en masse in April and May. The flow of displaced persons from the north central departments continued due to heavy fighting. Many also left for Costa Rica as fighting continued in the south.

Nicaragua has received over 20,000 displaced persons since 1979, nearly all from El Salvador. The Government works closely with the United Nations High Commissioner for Refugees to provide food, clothing, and shelter for these people and attempts to integrate them into society. It does not forcibly repatriate displaced persons.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Sandinista Front declares that it is a "vanguard party" with a historic right to rule. Its nine-man National Directorate has ruled Nicaragua through the Junta of Government, the cabinet ministries, and the Council of State, a quasi-legislative body. In all three bodies the Sandinistas have a decisive majority. For example, the Junta was composed of Sandinista Directorate member Daniel Ortega (the new President), Sandinista member Sergio Ramirez (the new Vice-President), and Democratic Conservative Party member Rafael Cordova Rivas. Daniel Ortega's brother Humberto, a fellow member of the Sandinista National Directorate, is Minister of Defense and Commander-in-Chief of the Sandinista Popular Army. Of the other seven Sandinista National Directorate members, three head the Ministries of Interior (including the security forces), Planning, and Agriculture. Another is President of the Council of State; yet another is Vice-Minister of Interior. All major appointments in the Government are made by the Sandinista National Directorate, acting through the Junta of Government. The National Directorate has also determined the allocation of seats in the Council of State, ensuring unchallenged Sandinista Front domination of that body. The Sandinista Front's victory in the November 1984 elections will continue its control through the Presidency and the new National Assembly, which replaced the Junta and the Council of State in January 1985.

Thirteen political parties exist in Nicaragua. The Government routinely harasses the opposition parties through the detention of party members and activists, mob action against party headquarters, threats, prohibition of large rallies, denial of exit visas, and censorship. A number of activists from opposition parties were detained during 1984 on politically motivated grounds. The Democratic Conservative Party obtained the release of approximately 60 imprisoned members, but claims another 140 remain in jail. Several members of the Social Christian Party were also detained and harassed.

The Government sought to improve its international image through the process culminating in the November 1984 presidential and National Assembly elections. Parties that registered for the elections were allowed to share 30 minutes per week on national television and 45 minutes per week of radio time during the three-month campaign. Each registered political party was also given nine million cordobas (approximately $320,000) to finance its campaign. In theory parties were allowed freedom of assembly and expression; in practice the Government frequently violated these rights. The Government specifically excluded the armed opposition from participating in the elections. Despite the Government's guarantees, pro-government forces repeatedly harassed the opposition parties throughout the campaign. Press censorship continued, including coverage of opposition rallies and statements. Opposition party youth activists were detained by the police, and in some cases were even drafted into the Armed Forces. Pro-government demonstrations repeatedly and sometimes violently disrupted opposition rallies without punishment or sanction of any kind. On one occasion a member of the Militia fired into an opposition meeting, injuring two persons. The Supreme Electoral Council, required by law to supervise the campaign process, did little to correct the situation.

Deeply skeptical of government objectives, and disturbed by government violations of the existing campaign rules, the principal democratic opposition group--known as the Coordinadora--conditioned its participation on the existence of adequate electoral conditions, including full freedom of assembly and of the press, access to the voter registration process, and the postponement of the elections to allow all parties to have at least 90 days in which to campaign. During Socialist International-sponsored negotiations in October 1984 between the Government and the Coordinadora, the Government initially accepted but then rejected these conditions. Consequently, the Coordinadora, led by presidential candidate Arturo Cruz, maintained its boycott of the elections.

The Independent Liberal Party also voted to withdraw from the elections, but the Government refused to take it off the ballot. In addition, Sandinista Front members interrupted a meeting of the Democratic Conservative Party to prevent a decision to join the election boycott. Of the remaining four non-Sandinista parties that were on the electoral ballot, three were small Marxist parties with little popular support. Consequently, the Nicaraguan people were denied a broad range of opposition parties for whom to vote. The 1984 report of the Inter-American Human Rights Commission stated that, "The Commission has been able to verify that during the current electoral process, the Sandinista National Liberation Front has intensively used all of the resources made available to it by its holding of state power, which places it in an advantageous position with respect to other contenders. In this regard, the denounced harassment of political and union leaders is unacceptable. Furthermore, the IACHR considers that some candidates have been excluded, which could have been avoided if there had been greater flexibility, both on the part of the candidates and the Government."

With these serious shortcomings in the process, the Government party--the Sandinista Front--won the flawed elections with 62 percent of the vote. Many foreign observers reported that the balloting appeared to be orderly and honest, although some observers claimed that voter participation was lower than official figures indicated. In about two-thirds of the polling places there were poll watchers only from the Sandinista Front. About 25 percent of the registered voters failed to vote, and about 7 percent of the votes were declared improperly marked. Notwithstanding the Government's professed interest in allowing opposition participation in political life, following the elections it increased press censorship and restricted foreign travel by opposition leaders.

## NICARAGUA

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation Of Alleged Violations of Human Rights

The Government undertook a commitment to the Organization of American States in July 1979 to observe human rights, as well as to respect pluralism and to hold free elections. The Government professes to be proud of its human rights record and says it officially welcomes the scrutiny of the international community. During 1983 a team from the Inter-American Human Rights Commission of the OAS visited Nicaragua to conduct a follow-up investigation on the treatment of Miskito Indians in the Atlantic Coast region. In a report and resolution released in June 1984, the Commission provided further documention of government violations of the Indians' human rights and terminated its role as a friendly mediator between the Miskitos and the Government.

The government-sponsored National Commission for the Promotion and Protection of Human Rights (established in 1980) continues to be the only organization recognized by the Government as competent to file applications for pardons or to request the review of cases on human rights grounds. During 1984 it brought about the release of approximately one hundred political prisoners, most in the week preceding the November 4 elections. The independent CPDH suffered continued harassment from the Government in 1984, including the detention of its workers and interference with the distribution of its reports. The Government refuses to deal directly with the CPDH or to acknowledge complaints submitted through it. Although lawyers acting on behalf of the CPDH frequently are denied access to prisoners, it nevertheless continues to collect data and to publish detailed reports.

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Nicaragua had a population of roughly 3,400,000 in 1984. According to the World Bank, its per capita gross national product in 1981 was $860 and its population growth rate was 3.9 percent (1970-81), although the Government reports a population growth rate of 3.3 percent. Nicaraguans have a life expectancy at birth of 59.8 years. Zero or negative economic growth is expected in 1984. In 1983, exports were about $430 million compared to the pre-1979 level of $650 million. Imports were $803 million in 1984. Foreign assistance decreased sharply in 1984, most of it coming from the Soviet bloc. Inflation for 1984 was about 60-80 percent. About 20 percent of the work force was unemployed.

Serious economic mismanagement, declining exports and guerrilla activity contributed to Nicaragua's economic problems in 1984. The lack of political stability and investor confidence contributed to the stagnation of the economy. The Nicaraguan private sector, which accounts for approximately 60 percent of gross domestic product, is very closely controlled by the Government, which has, inter alia, a monopoly on foreign trade and on bank credit. Although government leaders have reiterated their intention to foster a mixed economy, arbitrary property confiscations and the Government's Marxist rhetoric have discouraged private investment. There were numerous instances during the year of arbitrary confiscation of land for political reasons.

The Government made efforts during the year to improve health services. Campaigns in 1984 provided vaccinations for several common diseases, reportedly resulting in the elimination of polio and a decrease in malaria cases. Medicine provided in hospitals and health centers is free, although a lack of foreign exchange shortages has resulted in extreme shortages of medicines. New health centers and regional hospitals were constructed. The infant mortality rate reportedly was reduced to 65.2 deaths per 1,000 live births in 1984. According to government figures, about 95 percent of the urban population and 12 percent of the rural population have access to safe water. World Bank statistics from 1976 stated that 70 percent of the population had access to safe water. The Government claimed to have 10 percent of the population on social security rolls in 1984, and to have raised literacy to 88 percent. The adjusted primary school enrollment ratio in 1983 was 73 percent. According to 1978 World Bank figures, 85 percent of school-age children were enrolled in primary schools.

Women are active at all levels of society and at all but the highest levels of the Government and the Sandinista Front. There is one woman on the Supreme Court and one woman Cabinet Minister. Women have served as national coordinators of one of the opposition parties as well as of the Permanent Human Rights Commission. A large number of seats on the Council of State are filled by women. Participation of women in the military is voluntary.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: NICARAGUA

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 6.3 | 0.0 | 0.1 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 6.3 | 0.0 | 0.1 |
| A.AID ................. | 5.8 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 5.8 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.)... | 5.1 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 0.4 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.4 | 0.0 | 0.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.4 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.4 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.1 | 0.0 | 0.1 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.1 | 0.0 | 0.1 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.1 | 0.0 | 0.1 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 6.3 | 0.0 | 0.1 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 6.3 | 0.0 | 0.1 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 51.3 | 31.3 | 0.3 | 732.9 |
| IBRD | 16.0 | 0.0 | 0.0 | 231.1 |
| IFC | 0.0 | 0.0 | 0.0 | 9.5 |
| IDA | 0.0 | 0.0 | 0.0 | 60.0 |
| IDB | 34.4 | 30.7 | 0.0 | 403.7 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 0.9 | 0.6 | 0.0 | 22.9 |
| OTHER-UN | 0.0 | 0.0 | 0.3 | 5.7 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## PANAMA

Panama is officially again a representative democracy in which the security apparatus is subordinate to civilian authority and internationally accepted standards of human rights are the law. An elected Government under President Barletta was sworn in on October 11, 1984, to a five-year term. A new 67-member legislature took office on November 16.

From 1968 to 1978 political power was concentrated almost entirely in the hands of the Panamanian National Guard (since 1983 the Panama Defense Forces or PDF). From 1978 onwards there was a gradual opening of the political process, and a declared intention to return to the practice of representative democracy by 1984, though during this period the PDF has continued to exercise effective control through surrogates.

The 1984 national elections saw large voter turnout, and were themselves peaceful and orderly. However, incidents of violence marred the aftermath, including PDF complicity alleged by opposition and independent observers in the shooting deaths of two demonstrators during a confrontation between pro-government and opposition elements. The prolonged vote tabulation process was marked by irregularities, and drew pointed charges of fraud from the opposition coalition. After an interval of two weeks the Supreme Electoral Tribunal declared the official Government-backed coalition candidate the winner by 1713 votes, or 0.29 percent over his opponent. The opposition coalition rejected these results as invalid.

The new President, Nicholas Ardito Barletta, has pledged his Government's support for the principles of democracy and civilian control, and has expressed personal concern over the incidents of violence associated with the election. The PDF has declared its intention to retire from an active political role, and to concentrate on national security and civic action missions. For the first time since 1968, the new directly-elected legislature has significant powers to introduce, debate, and pass new legislation, as well as to ratify treaties and international agreements. While accusations of fraud were made by both sides in the legislative elections, the opposition did win a significant minority of seats.

Panama, a middle-income developing country, has a mixed economy which has suffered severely from the worldwide recession; the 20 percent unemployment rate is a serious problem. The immediate priorities of the Barletta Government are to improve the economic situation and to reduce unemployment. More long-range goals include reducing the role of the PDF and cleaning up corruption. Panama's private sector and entrepreneurial class are active and influential, and individuals are generally speaking free to hold private property and to pursue private interests. Human, social, economic, and political rights are not restricted because of minority or other distinctive status, although there is an historical cultural/linguistic bias against English-speaking blacks of Antillean descent.

The inviolability of the individual, family, home and property enshrined in Panama's Constitution and laws is generally honored in practice. Infrequent exceptions over the years appear to be isolated incidents, and do not constitute a consistent, deliberate pattern of human rights violations. Civil and civic rights such as freedom of assembly, expression, and religion are also protected by law and generally honored in practice.

Long-term human rights trends in Panama are positive. The publicly expressed dedication of the new Government to the principles of human rights and the evolution of democratic practice suggest that these trends will continue.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

On May 7, one day after the general elections, violence erupted in front of the Legislative Palace where election returns were being tabulated. Graphic photos show gunmen firing into the largely oppositionist crowd. The incident resulted in the deaths of two opposition supporters and over forty injuries, some due to gun shots, others to beatings by accomplices of the gunmen. Uniformed police (PDF) on the scene were either unable or unwilling to halt the violence. According to the opposition press, the gunmen belonged to a group of thugs employed by PDF security forces to support the PRD. Some of the gunmen were promptly arrested; the leader of the group, Silverio Brown, was himself shot to death by police detectives on August 7, allegedly while trying to escape. Opposition groups and gang members claiming former employment with the PDF have charged that Brown was killed to suppress knowledge of a PDF role in the May 7 incident. Twenty other members of the group were said still to be in preventive detention at year's end. The Brown case apparently led several other presumed group members to seek refuge in foreign embassies. One of these, Angel Vasell Rock, sought diplomatic asylum in the Venezuelan Embassy. According to statements in the opposition press attributed to Vasell Rock, he escaped from a bus conveying the gang members to a Panamanian prison, where, he claimed, they were all to be shot, and made his way back to Panama City to seek diplomatic protection. After several weeks of negotiations between Panama and Venezuela, Vasell Rock left the Embassy under a guarantee that he would not be harmed, and entered police custody. He is charged with a number of common crimes unrelated to the post-election violence.

#### b. Disappearance

On May 18, the press reported that several bystanders had witnessed the arrest of Edwin Eredio Amaya Bravo in Chiriqui Province by members of the PDF on a counterinsurgency training exercise. Amaya's family lawyer filed a writ of habeas corpus against the Commander of the PDF before the Panamanian Supreme Court, but the PDF denied ever having arrested Amaya. In September Amaya's brother wrote the PDF Commander to express his fear that his brother had been killed. To date, no results have been made public of a supposedly ongoing police investigation of this reported disappearance.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits measures that harm the physical, mental or moral integrity of persons under detention.

Opposition sources have publicly charged that billy-clubs and electric prods were used on those detained October 10 following the violent dispersal in Panama City of an all-night opposition vigil, related to continuing objections to the elections. The opposition further charged that those detained were forced to move across the floor of the police station on their knees during questioning, and were threatened with additional beatings if they did not comply. Newspaper photographs taken shortly after their release show arrestees from the vigil with what appear to be contusions. On May 30, in response to the burning of a government-owned bus in front of opposition headquarters, PDF personnel sacked the opposition's offices. Photographs of that incident show beatings of opposition activists and bystanders.

In 1984, there were several allegations by the opposition of police beatings of detainees awaiting trial in the Coiba Penal Colony. In September, a newspaper report denounced human rights violations in the Women's Penitentiary in Panama City, alleging that prisoners were punished by being forced to sleep on cement slabs and given reduced food rations.

Overcrowding in Panama's prisons continues to be a major problem. The average population of the Central Men's Prison in Panama City, built in 1925 to accommodate 225, is now well over 700, and most detainees sleep on the floor. The Government attributes this to lack of economic resources to build new and more adequate prisons. Supplemental foodstuffs and other prison services not normally provided may be purchased by those able to afford them.

### d. Arbitrary Arrest, Detention, or Exile

The Constitution provides for habeas corpus and requires warrants for arrest, except for those arrested while committing a crime. The Constitution does not allow preventive detention, but in many cases the Government appeal of a granting of bail can take weeks or months to be finally adjudicated. During this time the detainee must remain behind bars. Amendments to the Constitution in 1983 strengthened procedural safeguards for arrested individuals. The police must bring charges against the accused at the time he is arrested or served with a summons. Failure to make such charges personally to the accused has led to invalidation of sentences. Those under arrest must also be immediately informed of their constitutional rights. Once arrested, a suspect may be held for no more than 24 hours without being charged and brought before a magistrate. Opposition groups have claimed that detainees have been held incommunicado up to a week after arrest before being brought before a magistrate, but there are no recent confirmed instances of this.

An accused may be held in custody after being charged for as long as it takes to conduct the investigation and bring the case to trial. Pretrial detention, especially for people from lower economic classes, can last for months or even years. Such time is credited against any sentence imposed following conviction.

Shortly after general elections in May, two commentators for opposition Radio Hit in Colon were arbitrarily detained without charges being brought against them. They were released after one and five days respectively. In the first incident, a school principal was held incommunicado for

24 hours despite efforts by his lawyer and Radio Hit's owner to talk with him. In the second incident, the commentator, who was also correspondent for the opposition newspaper La Prensa in Colon, allegedly was physically hauled before the Mayor of Colon and, according to eyewitnesses, beaten in the Mayor's office. According to opposition sources, other supporters were arbitarily detained for short periods of time during and after the electoral period, and later released without having been charged.

### e. Denial of Fair Public Trial

Persons charged with crimes are presumed innocent until proven guilty and have the right of counsel. The local Bar Association, while underfunded, provides a public defender service for the indigent. In civil cases, the Administrative Code mandates public trials based on oral testimony and argument and gives the accused the right to be present. In most criminal cases, however, the court process allows written presentations by the prosecution and defense without the presence of the accused. Any documentary evidence is available for examination by both sides. Both prosecution and defense have the right to appeal the verdict. A new Administrative Code was promulgated in 1982, and a new Penal Code was enacted in 1983. A revision of the Judicial Code was completed in October 1984, with the stated goal of modernizing the legal system and making the courts more accessible to all classes of Panamanians.

Panamanian and foreign observers have noted that juvenile delinquents are occasionally tried and incarcerated as adults, especially when they are considered to be hardened criminals. Although the Constitution prohibits self-incrimination, there also have been charges that juveniles and poor people with criminal records have been detained and pressured during interrogation to confess to crimes they may not have committed. Other reported practices--publicly criticized in the Panamanian press by government officials as well as private citizens--include summary proceedings and convictions for misdemeanors by "night court" judges without duly prescribed defense counsel.

The Supreme Court is charged with upholding the Constitution and the laws, and magistrates and judges are legally independent. The 1983 constitutional amendments have in theory strengthened the financial independence of the judiciary by guaranteeing it two percent of government revenues; in fact, however, it received less than one percent (the two percent is shared with the Attorney General' office, and the full amount was not delivered in the past year). Judges are paid relatively low salaries, even following a substantial raise in the past year. Magistrates are barred from simultaneously holding other public office or otherwise participating in politics. It must be noted that the Executive continues to exercise some influence over the judicial branch.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Private family life generally is respected. One recent departure from the norm reportedly occurred when, in the course of dispersing an opposition demonstration on October 10, the PDF riot squad pursued fleeing oppositionists into nearby private residences and caused damages to these premises in the course of making arrests. Under the Constitution, judicial warrents must be issued before officials may enter houses. There were occasional reports in 1984 that police violated this guarantee by entering without warrents.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The Constitution guarantees freedom of speech, press, and other forms of communication without censorship. There is no interference with academic freedom. The views of government opponents are made known through their speeches, and through the press and radio. The opposition newspaper, La Prensa, the popular tabloid Ya, and various radio commentators publicly criticize government programs and policies. Opponents also freely and often vehemently criticize public activities of civilian and military officials, including the President and the Commander of the PDF. The 1984 electoral campaign afforded substantial freedom of speech, with opposition groups free to make speeches and distribute leaflets, pamphlets, and other election materials. Nevertheless, opposition groups experienced serious problems gaining access to the electronic media, with all Panamanian television stations and over 90 percent of radio stations controlled by pro-government individuals or groups. During the election campaign, pro-government electronic media largely refused air time to opposition advertising. Opposition groups charge that they are unable to acquire radio or television licenses from the Government, because once the identities of the owners become known, the license applications are refused. Opposition radio station Voz Del Baru was closed on a technicality in June after the elections; in October, the station was allowed to reopen. The new transmitter of the Colon opposition station, Radio Hit, was destroyed by arsonists in May; after a few days off the air, the station resumed broadcasting with its old, less powerful transmitter.

In the early morning hours of May 9, unknown assailants in moving vehicles sprayed machine gun fire at the offices of pro-government Editora Renovacion, S.A. (ERSA), which publishes three daily newspapers. ERSA accused opposition "commandos" of being responsible for the attack; the opposition claimed that the Government staged the shooting incident. In a possible act of reprisal, nine unknown gunmen in two cars fired shots over the residence of the opposition presidential candidate Arnulfo Arias late in the evening of May 9. No one was injured and none of the assailants in either case was ever apprehended.

Opposition newspaper La Prensa was the object of a short strike of its type-setters and graphic artists in September. The paper charged that the strike was politically motivated and supported by only a quarter of the employees involved (although the remaining employees respected their picket line). It ended after a few days. The newspaper continues actively to oppose government policies and to publish freely, and is since mid-1984 operating at a profit. La Prensa has frequently been the sole source of public information on incidents related to the 1984 elections, such as the Vassell Rock case mentioned above. Another example was its report on the alleged beating of two of its journalists, Lissette Carasco and Aurelio Jimenez, by PDF personnel while the former were covering a December 14 march sponsored by the Government in support of the PDF. The incident was later condemned by the legislature.

The other six newspapers are more circumspect, especially regarding the security forces and their leadership, and exercise a measure of self-censorship. The three newspapers of the ERSA group are responsive to directives from the Government and security forces. Absent such guidance, however, individual columnists write freely about a wide range of topics. There is no censorship of foreign newspapers, magazines, books, or cable television programming.

In 1983, the Supreme Court ruled unconstitutional a 1978 press law which allowed a government-dominated board the power to rule on the professional competence (and thus the right to practice) of journalists or those seeking to enter the profession. The court further ruled that most categories of employees working for newspapers and in the electronic media need not obtain licenses for work. Nevertheless, the Ministry of Government and Justice of the former regime was accused by opposition papers of denying broadcasting licenses to individual opposition commentators.

### b. Freedom of Peaceful Assembly and Association

The Constitution guarantees the right to peaceful assembly. Twenty-four hours' advance notice but not government permission is required for open-air meetings. However, while no demonstrations were banned during 1984, and all political parties held rallies throughout the country during the election campaign, the opposition encountered serious difficulties in holding rallies in May and October. For the final opposition rally before the general elections in May, the pro-government coalition, UNADE, rented all available buses (generally privately owned) several days before the event, and the authorities reportedly threatened bus operators with revocation of their licenses if they did not cooperate. In October, opposition groups alleged similar intimidation of bus operators, so that their march to protest the inauguration of President Barletta would be poorly attended. The October 9 opposition rally, which turned into an all-night vigil in Cathedral Square near the Presidential Palace, was violently dispersed by the anti-riot squad in the early morning hours of October 10. Anti-riot troops used rubber truncheons, billy-clubs, and tear gas to break up the crowd, which was reportedly behaving peacefully, singing and dancing to taped music. The authorities claimed that the opposition had vandalized the automobiles of residents in the area, who had called the police for help. The opposition alleged, however, that the anti-riot squad itself deliberately perpetrated the vandalism while it was dispersing the crowd. Newspaper reports claimed dozens of injuries and some one hundred people arrested, most of whom were released the following morning without being charged, the others several days later.

Professional and social groups meet without interference. Panama has a strong and longstanding labor movement, a liberal Labor Code, and union rights are generally respected. There are both political and apolitical labor organizations in Panama. One of the strongest is a local of the American Federation of State, County, and Municipal Employees (affiliated with the labor movements of both countries), and a second is the regional branch of the National Maritime Union of America. Both are AFL-CIO unions. Union elections are generally free from government interference. Consultation with unions about government policies, particularly employment issues, is institutionalized through a permanent national commission that includes representatives of the major labor organizations. Both collective bargaining and strikes are constitutionally guaranteed rights of workers, although government regulations restrict or forbid this right for certain government employees. Moreover, the Labor Ministry implements these laws in such a way as to impede or discourage organization of private employees in the Colon Free Zone and the offshore banking industry, which is a source of concern for the democratic international trade union movement.

### c. Freedom of Religion

The Constitution guarantees religious freedom to all, and there is no state religion. There are no restrictions on the free exercise of religious beliefs, including proselytizing, and a broad range of religious groups operate freely in Panama.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution permits Panamanians to move freely within the country and to emigrate, and these rights are honored in practice. It also prohibits compulsory exile and extradition of Panamanian nationals to other countries. Some civilians involuntarily exiled during previous regimes have since returned and resumed full participation in Panamanian society. Exiles remaining abroad have been publicly urged by the Government to return. Panama accepts displaced persons of widely differing ideological persuasions from other countries. Several hundred Salvadorans originally sponsored by the Government of Panama are now supporting themselves in a resettlement village. Perhaps as many as several thousand Cubans are now in Panama, awaiting onward emigration. No cases of forcible repatriation of political exiles occurred in 1984.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

On May 6, 1984, Panama held its first direct Presidential and legislative elections since 1968. Fourteen legally-registered political parties fielded seven slates, each consisting of a Presidential and two Vice Presidential candidates, and also nominated a total of some 600 candidates for the new 67-seat Legislature. The election campaign, of some two months' duration, afforded all parties the opportunity to convey their political messages to citizens throughout the country by means of public rallies and media announcements, except for the limitation on electronic media access and intimidations outlined above. Voter turnout in general elections was estimated at 77 percent, and election day passed without incident.

Panama's cumbersome vote counting procedures, agreed upon by all political parties and encompassed in the national electoral law, resulted in lengthy delays in determining the winners of the elections. 3902 voting tables passed their results on to 40 regional vote counting centers, which after often lengthy delays forwarded their results to the National Vote Counting Board, which was to resolve all disputes and challenges and produce the final vote tally. In the event, the National Vote Counting Board merely read off the 40 vote counts, declared itself unable to determine the final vote count, and forwarded its totals to the three-man Electoral Tribunal, the ultimate electoral authority in Panama, to determine the official results. 372 voting tables in 18 of the 40 vote counting circuits were challenged by the government or opposition coalitions before the Electoral Tribunal, which summarily rejected all challenges but also did not count the disputed tables in the final vote count. The result was to eliminate some 60,000 votes from the final tally without ever judging whether those votes were valid or not. On May 16 the Electoral Tribunal announced it had determined that the government coalition candidate had won by 1713 votes (300,748 to 299,035). There followed a series of last-minute legal maneuverings by the opposition coalition to block a final ruling, amidst repeated charges of PDF coercion and physical alteration of tally sheets in the National Vote Counting Board and Electoral Tribunal. Nevertheless, the government slate received its credentials on May 30. The determination of which legislators had been elected on May 6 became bogged down in lengthy court battles, and not until September was a final ruling made on all contests. One race was declared a tie by the Electoral Tribunal, which ordered a new election held in October. Having taken the position that the opposition candidate had clearly won, the President of the Electoral Tribunal resigned in protest after being outvoted 2 to 1. This was the last of a number of cases in which the President was outvoted by his colleagues in a disputed election (members of the three-man Tribunal are named, one each, by the Executive, the Legislature, and the Supreme Court). Several weeks after his resignation, he further publicly charged that several seats were won by alteration and falsification of voting records. With the government coalition's victory in the October election, the PRD, the principal coalition partner, obtained an absolute majority of 34 in the 67-seat legislature. Both opposition and non-PRD government legislative candidates publicly protested the outcomes of other legislative contests, claiming that they had won but been displaced by PRD candidates. In a public speech at the National Press Club in Washington in July, the President-elect characterized Panama's electoral system as "a mess" that badly needed to be changed to deal with the problems that followed the May elections.

The June 3 local and municipal elections for mayors and community representatives had to be postponed one week to June 10 because ballots had not been printed. The PRD posted a strong victory in these contests, with voter participation, however, dropping dramatically from May. The 505 community representatives, who met one month a year as a National Deliberative Body under the 1972 Constitution, will henceforth have purely local responsibilities. The National Legislative Council, a partially elected body which had legislative power prior to the 1983 amendments to the Constitution, went out of existence in November when the new legislature was seated.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Government has espoused human rights causes in the Organization of American States, the United Nations, and elsewhere. A human rights committee formed in Panama in 1978 continued to operate freely in 1984. Amnesty International did not cover Panama in its 1984 report. Freedom House in 1983 rated Panama "partly free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Panama's total population in 1984 was estimated at 2,001,000. Annual population growth rate declined to 1.8 percent in 1984 (from 2.5 percent in 1980), while infant mortality was 20.1 per 1,000 live births, reflecting improvement in public health.

In 1981, 82.8 percent of the population had access to safe water (urban: 94.7 percent, rural: 69.8 percent). The ratio of calorie supply available for consumption relative to nutritional requirements has been estimated at 101 percent since 1977. Access to education is good. The adjusted primary school enrollment ratio was 112.22 percent in 1981. The overall adult literacy rate was estimated at 87.1 percent in 1980; the rate in rural areas was 61.8 percent, while the urban rate was 93.7 percent.

Under the Constitution, citizens are guaranteed the right to own property, as well as to avail themselves of economic benefits, programs, and services of the state, without regard to sex, social origin, birth, race, religion, or political opinion. Panamanian constitutions, however, traditionally have limited the rights of naturalized Panamanians and aliens to participate in retail commerce.

Recent economic performance has been weak, largely as a result of depressed regional and worldwide conditions. Real per capita gross domestic product was estimated at $2,116 in 1982, but has declined since then. Approximately 22 percent of the country's population live in extreme poverty -- unable to provide for basic necessities. A larger percentage of the poor is found in rural areas, but the trend toward urbanization has increased the number of poor in cities as well. President Barletta stated publicly in 1984 that one in six Panamanians was unemployed or underemployed. Unemployment is unofficially estimated at approximately 20 percent, rising to as high as 45-50 percent in pockets of urban poverty such as Colon.

Panama's social system and legal code accord equal treatment to women and to men. The Constitution prohibits discrimination on the basis of race, birth, social class, sex, religion, or political ideas. It also gives pregnant employees 12 weeks maternity leave and the right to return to their jobs. Women are accorded equal political rights under Panamanian law. They play an active role in political and governmental affairs, holding a number of important positions. The 67 members of the new legislature include several women. Two independent agency heads and the presidential spokesperson in the new Barletta Government are women. Women also serve as the President of the ruling party, one of the three members of the Electoral Tribunal, three of Panama's nine provincial governors (including the Governor of Panama Province), and one of the nine Supreme Court Justices. Several women's organizations, such as UNIDAD and Accion Feminina, are active in Panamanian politics. Panamanian women enjoy full social freedom but in general still do not have the same opportunities for economic and professional advancement as do men. This reflects both traditional values and the current difficult economic climate. As Panamanian law does not recognize community property, divorced or deserted women can be and on occasion are left destitute.

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Female employment in urban Panama is concentrated in the service sector, where wages are generally lower. Although the Constitution mandates equal pay for equal work, wages paid to women are frequently lower than those for the same work performed by males and increase at a slower rate. Government statistics showed that in 1978 women made up about 29 percent of the economically active work force.

Panama is a racially mixed country. The traditional monopoly of power by persons of European descent was effectively ended with the ouster of the civilian President by the National Guard in 1968. Blacks, orientals, and mestizos are now active politically and are well represented at senior levels of Government and the PDF, as well as in the new legislature, which also includes 5 Indians.

Prominent among minorities retaining a degree of separate identity are English-speaking blacks of Antillean descent, Jews, Arabs, Greeks, Chinese, East Indians, and North Americans. All these groups play roles in Panama's urban economy well out of proportion to their numbers. There is no discrimination in law against these or any other social, religious, or cultural groups, except that certain categories of elected office and ownership of retail trade establishments are constitutionally restricted to native-born Panamanians. While innumerable exceptions exist, Caucasians, orientals, and mestizos tend to be better off economically and to occupy higher positions in Government than blacks and American Indians; however, the latter groups participate actively in both the public and private sectors. Indian tribes receive special government assistance, particularly in the areas of public health and welfare, and education. They are not restricted to their tribal areas, but most remain there by choice, reflecting longstanding resistance to assimilation. Indians enjoy full voting rights and all other rights of citizenship. They play significant roles in the Governments of four provinces. In October, the new President, in keeping with a campaign promise, named a Kuna Indian Vice Minister of Health. This is the first time an Indian has held Cabinet rank in Panama.

Panama's Kuna Indians mostly reside in a self-governing, semiautonomous district, the Comarca of San Blas, established in 1953. The Embera (Choco) Indians, who live in Darien Province, eastern Panama, gained government approval for their own homeland in 1983 when a law was passed establishing their own autonomous district, or Comarca. The more numerous and geographically widespread Guaymi Indians of western Panama made some progress during 1984 towards the establishment of their own homeland, but serious differences between the Government and the Guaymi still exist over the size of the Comarca. The Guaymi claim that the latest government offer would leave almost two thirds of their tribe outside the proposed boundaries of the Comarca.

In September, Panama hosted the fourth World Assembly of Indian Peoples, which was attended by Indians from more than thirty countries and sponsored with the assistance of international organizations.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
## (U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: PANAMA

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 13.0 | 7.4 | 12.0 |
| LOANS.............. | 8.1 | 3.8 | 5.0 |
| GRANTS............. | 4.9 | 3.6 | 7.0 |
| A.AID ................. | 11.7 | 6.3 | 10.7 |
| LOANS.............. | 8.1 | 3.8 | 5.0 |
| GRANTS............. | 3.6 | 2.5 | 5.7 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 1.3 | 1.1 | 1.3 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 1.3 | 1.1 | 1.3 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 1.3 | 1.1 | 1.3 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.1 | 0.3 |
| VOL.RELIEF AGENCY..... | 1.3 | 1.0 | 1.0 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 5.4 | 5.5 | 13.5 |
| LOANS.............. | 5.0 | 5.0 | 5.0 |
| GRANTS............. | 0.4 | 0.5 | 8.5 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 8.0 |
| B.CREDIT FINANCING.... | 5.0 | 5.0 | 5.0 |
| C.INTL MIL.ED.TRNG.... | 0.4 | 0.5 | 0.5 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 18.4 | 12.9 | 25.5 |
| LOANS.............. | 13.1 | 8.8 | 10.0 |
| GRANTS............. | 5.3 | 4.1 | 15.5 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 126.9 | 137.7 | 82.6 | 1169.1 |
| IBRD | 24.4 | 85.0 | 74.2 | 544.8 |
| IFC | 0.0 | 0.0 | 0.0 | 8.3 |
| IDA | 0.0 | 0.0 | 0.0 | 0.0 |
| IDB | 99.0 | 52.0 | 8.4 | 584.9 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 3.5 | 0.6 | 0.0 | 26.7 |
| OTHER-UN | 0.0 | 0.1 | 0.0 | 4.4 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## PARAGUAY

Paraguay has had authoritarian regimes throughout its history, which has been marked by wars, insurrections and coups. Since 1954, President Alfredo Stroessner has governed Paraguay ruling through the Colorado Party, the military and police forces, and the government bureaucracy, all of which he dominates. He was elected in 1983 to a seventh term in a controlled election process in which government figures show he received over 90 percent of the popular vote.

Elections are held every five years for the presidency and the national legislature. However, the opposition's ability to conduct an effective campaign is severely restricted by the Government, and in practice there is no effective challenge to President Stroessner's authority. Some opposition parties are not legally recognized and all, regardless of their status, are subject to varying degrees of harassment by government authorities. The Government controls the electoral apparatus and limits opposition access to the media. There have also been allegations of vote count irregularities.

The situation in Paraguay continues to be characterized by the subordination of the legislative and judicial branches of Government to the executive and by the domination of the nation's political life by the ruling Colorado Party. The legislative branch, in which President Stroessner's Colorado Party has a two-thirds majority, is almost completely responsive to his views on all important matters. The judiciary, while independent in theory, is usually not able to serve as an effective check on the power of the executive.

There continue to be violations of civil and political liberties, though the number of serious incidents has declined significantly since the mid-1970s. As has been the case almost without interruption since 1929, the state of siege provision of the Constitution remains in force. Under it, the President may order the detention of any individual without trial for an indefinite period. The police forces arrest and hold persons arbitrarily without due process of law. Sometimes they cite the state of siege power or Paraguay's "anti-subversive" statute, Law 209; or, as was the case in most of the detentions which occurred in 1984, they simply give no rationale. Constitutional guarantees, such as protection of the integrity of the individual, the need for judicial warrants, freedom of assembly and association, the right of habeas corpus, and the requirement for a prompt and impartial trial, can be ignored by government officials. There are serious restrictions on the ability of the press to report and to express opinions freely, as illustrated by the Government's closure in 1984 of Paraguay's leading newspaper, "ABC Color". Trade union activities are also restricted, and strikes are not permitted.

Paraguay's turbulent political history, combined with its geographic isolation, small population and traditionally agrarian economy, produced a relatively slow rate of socio-economic growth until a decade ago. President Stroessner's rule has brought much-needed political stability and economic development, but at considerable cost to political rights and individual liberties.

After a period of rapid economic growth in the late 1970s and early 1980s, Paraguay entered a steep recession from which it has now begun to recover. After two years of decline, economic growth reached 4 to 5 percent in 1984. The balance of payments remains in a deficit position and substantial payment delays on international obligations still pose problems.

The most serious infringement of human rights during 1984 occurred when the Government closed the independent newspaper "ABC Color" on March 22, a particularly serious blow to the nation's political life. The newspaper remains closed, and the Government shows no sign of permitting it to reopen.

In 1984 some 41 arbitrary detentions came to public notice in which individuals were held without being charged or tried, usually as a form of extralegal punishment or as a warning because of their political activities. This figure represents the continuation of a sharp decline since the mid-1970s when the number of such cases was in the hundreds. All of the individuals thus detained during 1984 were subsequently released, 29 within a day or so. The other 12 were held for periods of up to a month. A number of prominent political exiles took advantage in 1984 of the Government's offer of the previous year allowing them to return; however, the Government has engaged in various forms of harassment against many of those who did return. At the the end of 1984 there were six persons who could be considered political prisoners, or whose trials appeared to be compromised by irregularities. This represents a significant reduction from the previous year.

## RESPECT FOR HUMAN RIGHTS

## Section 1 Respect for the Integrity of the Person, Including Freedom From:

### a. Political Killing

There were no reported cases in 1984 of killings for political motives by the Government, political parties or other entities.

### b. Disappearance

There were no reports during 1984 of any persons having disappeared under circumstances which suggested politically motivated abduction or terrorism.

Local human rights groups list ten persons who died in an incident in 1980 involving the armed seizure of a bus in Caaguazu Province as having disappeared. The victims' families maintain that, since the bodies were never returned to them and certificates of death were never provided, the ten "disappeared."

Local human rights groups also continue to charge that the Paraguayan security forces were involved in the disappearances of some 24 individuals between 1970 and 1977. Some cases involved persons detained in Paraguay; others are said to have been detained by Argentine security forces and subsequently turned over to the Paraguayan authorities. It has not been possible to verify these claims.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There were reports of mistreatment or violence committed by the police against suspects or prisoners in 1984. A new allegation of systematic torture stemmed from a case in June 1983 in which a medical student was briefly detained following a student meeting and subsequently expelled to Argentina. In a letter to an Asuncion newspaper in 1984, the student claimed that during his detention he had been interrogated, whipped, and subjected to a treatment known as the "pileta," in which the victim's head is held under water until suffocation begins.

Several widely publicized reports in 1984 described police violence against suspected criminals or prisoners. In one case, two police conscripts beat a suspect with billy clubs in order to subdue him; there are allegations that the victim was beaten further at the local police station. The following morning he was dead upon arrival at a hospital. The policemen accused of the beating were immediately arrested and legal proceedings instituted against them. In another case, several youths were reportedly beaten by a police officer who accused them of having stolen his car. The charges against the officer in question, who was the chief of security at the parliament building and who was said to have used his office there for his interrogation of the suspects, were subsequently dismissed.

These reports of police violence were atypical in that the press gave them heavy coverage. Nonetheless, physical mistreatment of suspects and prisoners by the police, either to obtain information or as a form of punishment, is believed widespread. The so-called "investigations police" are widely known for such actions. One of their prisoners, for example, told of being kept naked and without bedding for nearly a week. For at least one three-day period he and his cellmates were given no food. On another occasion the prisoners were forced to stand braced against the wall with their hands above their heads for hours at a time; on several occasions guards beat the palms of his hands and soles of his feet.

In most cases, once formally arraigned, detainees go to regular prison facilities, where conditions are generally better than in the police stations. Prisons are austere, especially the maximum security facilities administered directly by the Interior Ministry and the Asuncion police, which are used in more sensitive cases. For example, one man spent four years without trial in a room barely wide enough for a cot. Court and Justice Ministry officials visit the regular prison facilities several times each year to examine conditions and interview prisoners. They do not regularly visit the maximum security facilities, although representatives of the International Committee of the Red Cross are permitted access.

### d. Arbitrary Arrest, Detention, or Exile

Detentions are used as a form of warning or punishment for those who criticize the Government or whose political beliefs or activities are deemed to be threatening. Sometimes individuals are picked up by the police, detained in local police stations, where they are often held incommunicado, and released after a few days, frequently without formal charges having been brought. Other detentions may be weeks in length.

Such detentions have sometimes been justified under the state of siege provision of the Constitution, which provides that persons may be detained without trial, and that public meetings and demonstrations may be banned in the event of war, foreign invasion, internal disturbance, or the serious threat of any of these conditions. Implementing legislation called for by the Constitution has never been passed. Despite constitutional requirements that the state of siege be imposed only for limited periods, in practice it has been in effect almost continuously since 1929. Technically, the state of siege was lifted outside the capital in 1978. In practice, backed by a court ruling that prisoners may be moved to Asuncion and held there, Paraguayan authorities act as if the state of siege were still in force throughout the country.

In the absence of implementing legislation, the Government and courts take the position that state of siege restrictions supersede the safeguards on human rights contained elsewhere in the Constitution and legal code. Several prominent legal scholars and the opposition political parties contest this interpretation.

In some cases of arbitrary detention the Government has invoked Law 209, the "anti-subversive" statute, a loosely worded law which provides for imprisonment of persons who "foment hatred," defame members of the Government, commit a variety of other acts, or are members of the Communist Party. In the cases of arbitrary detention which occurred in 1984, the Government did not cite either this law or the state of siege provision of the Constitution to justify its actions. In most cases, it gave no explanation at all.

The arrest in August of five labor organizers is illustrative. Picked up on August 18, 1984 in the town of Villa Hayes by members of the Paraguayan army, the five had planned to meet with construction workers at the government-controlled steel mill under contruction there. They were detained by the army until September 4, during most of which time they were held incommunicado; they were not informed of the reasons for their detention and their detention was not brought to the attention of a judge. All of these actions violate specific provisions of the Constitution.

During 1984, there were 41 known instances of arbitrary detention. All of these individuals were subsequently released. There are, in addition, at least two persons still being held from previous years who have never been formally charged or brought to trial.

Among noteworthy, positive steps in 1984, several individuals detained arbitrarily for extensive periods of time were either released or brought to trial. Escolastico Ovando, who had been held since 1977 after completing a 15-year sentence for alleged complicity in a murder case, was released on May 21, 1984. Cantalicio Orue, held without trial since 1974, was released on January 10, 1984. Rafael Mella Torre, a Chilean citizen accused of having participated in the murder of former Nicaraguan President Anastasio Somoza in 1980, was finally brought to trial in July 1984 after over four years' incarceration; his trial is now in progress. In late December the Supreme Court ruled on the cases of six individuals who have been held since 1980 for their part in the armed hijacking of a bus to publicize a land tenure problem. The Court rejected the Government Prosecutor's appeal to increase their sentence and all six regained their liberty in early January 1985.

Over the years many political opponents of the Government have either been forced, or have voluntarily gone, into exile. In

December 1983, the Interior Minister stated that with the exception of two prominent opposition figures -- Domingo Laino and Luis Resck -- all exiles would be permitted to return to Paraguay. As a result, a number of political figures, many of whom had been in exile for many years, have returned to Paraguay since early 1984. Prominent among them were officials of the Colorado Popular Movement (MOPOCO), a dissident faction of the ruling Colorado Party whose leaders had been expelled from Paraguay in 1960. Many of those who returned have been subjected to various forms of harassment and temporary detention by the Government. There has been no change in the Government's position concerning the possible return of Drs. Laino and Resck.

In 1984 there was one reported case of a Paraguayan being sent into exile -- Alfonso Silva Quintana, who was released from imprisonment in March 1984 after serving a ten year sentence for violation of the "anti-subversive" statute, Law 209. Silva was expelled from Paraguay, and has since gone to join his wife, who was released from prison two years earlier and also expelled from the country.

### e. Denial of Fair Public Trial

Paraguay, like most other Latin American countries, does not have trial by jury. Trials are conducted almost exclusively by presentation of written documents to a judge, who then renders a decision. All judgments are automatically reviewed by an appellate-level judge, and appeals to the Supreme Court are possible. Part of the trial process is open to the public and trials are routinely reported in the press.

Numerous safeguards set forth in the Constitution and the penal code in theory protect the rights of the individual during the trial process. However, the judiciary has traditionally been subject to extensive influence by the executive branch of the Government and by the military. This, together with the corruption in the judicial system, continues to compromise the ability of an accused person to receive a fair, speedy trial.

Over the past year, a number of changes have nonetheless been made which many observers credit with having improved the quality and speed of the judicial process. Widespread changes in the personnel of the judiciary system, particulary judges and their clerks, are said to have reduced the amount of corruption. One judge was suspended after having dropped charges against a Bolivian accused of having smuggled cocaine into the country. Several politically sensitive trials involving alleged violations of Law 209 which had dragged on for some time were concluded. However, it is widely acknowledged that the courts still are not independent of the influence of the executive branch in politically sensitive cases.

One example of the continuing problems within the judicial system is provided by the case of Gerardo Meza, who had been held without trial since 1980 under the state of siege provision of the Constitution. Some time in 1984, legal proceedings were apparently begun against Meza for complicity in a murder for which his two sons had already been convicted. However, according to local observers Meza has been held since 1980 in the maximum security facilities of the Interior Ministry, where he can be visited only by his family and by representatives of the Red Cross. As a result, he had no contact with legal counsel, and was apparently not aware that his trial was in progress until he learned, in August 1984, that he had been convicted and sentenced to nine years imprisonment.

As of December 31, there were an estimated six persons --already tried and sentenced or whose trials were underway-- who could be considered political prisoners, or whose trials appeared to be seriously compromised by irregularities. This represents a significant reduction from the previous year, primarily the result of two long-standing cases having been completed. There are an additional two individuals whose cases involved criminal offenses but which local human rights observers believe were affected in part by political factors. This too represents a considerable improvement over the previous year.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Government and security forces do not intervene as a matter of course in the daily life of the average citizen. The Constitution provides that, except to prevent the commission of a crime, private homes may not be entered without a judicial warrant. Nonetheless, some private citizens complain of their right to privacy being abused by the security authorities. Leaders of the Colorado Popular Movement, who were permitted to return from exile in early 1984 complain that they are followed by the police wherever they go, night and day. They also complain that their telephones are tapped, their private correspondence monitored, and their ability to move about restricted. The police have reportedly told them that they may not meet in groups of more than three, and it is claimed that those whom leaders of the group contact are later questioned. Other opposition figures and critics of the Government have similarly complained about interference with their mail, particularly foreign correspondence, and of having their telephones tapped. Although the Paraguayan police, in a statement in October 1984, denied the charges made against them by the members of the Colorado Popular Movement, and said that no such harassment by them had taken place, it is nonetheless widely believed that the charges made by this opposition organization are true. Finally, there continue to be cases in which foreign newspapers and magazines containing articles critical of the Paraguayan Government are confiscated at the port of entry.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The closure of Paraguay's largest newspaper,"ABC Color", in March 1984 was the most serious violation of freedom of the press in many years. Despite broad guarantees in the Consitution of freedom of speech and the press, in practice there are limits to the amount and kinds of criticism which the Government will tolerate. Such things as direct criticism of the President, the military, and key civilian leaders, are usually avoided by the major newspapers as are sensitive topics such as defense matters and corruption. It is widely believed that "ABC Color's" continual pressure against these limits was the reason for its closure.

## PARAGUAY

Up until the time of its closing, "ABC Color" was by far the most independent and outspoken of the Paraguayan newspapers. During its 16-year life, the paper had become Paraguay's leading daily in terms of circulation and reporting. Its editorials often criticized government policies and it reported extensively on some of the more sensitive domestic topics, such as human rights violations, problems of corruption, and the inner workings of the Government and the ruling Colorado Party. On March 16, the newspaper's owner was detained by the police, ostensibly because of his refusal to identify the author of an article which contained critical remarks by an opposition figure. While the owner was in prison, the Government, on March 22, closed the newspaper for an "indefinite period."

The Government, in announcing its action, stated that "ABC Color" had systematically violated the Constitution, subverted public order, and threatened the peace and stability of the nation by printing seditious editorials and allowing itself to be used as a mouthpiece of "irregular political groups lacking legal status." The owner of the newspaper appealed the Government's action in a suit brought before the Paraguayan Supreme Court. That body upheld the Government's action, ruling that the Interior Minister, in whose name the closure of the newspaper was taken, acted within his powers and in the public interest. The determination of the Government to keep "ABC Color" closed was demonstrated on November 29 when the police, armed with a search warrant, entered the "ABC Color" warehouse and confiscated 1200 copies of a pamphlet recounting the Government's harassment of the paper and analyzing the Supreme Court decision.

The Government's action in the "ABC Color" case was widely criticized by persons of virtually all political persuasions, though public criticism was rare. One of the remaining major newspapers criticized the action in measured terms. Privately, virtually all objective observers agreed that the Government's accusations against the newspaper were unfounded and that the action violated the nation's constitutional guarantees.

Despite the closure of "ABC Color", a measure of press freedom does still exist. Of particular note was the reappearance of the weekly newspaper of the Febrerista Revolutionary Party, one of the recognized opposition parties. This newspaper has published strong criticism of the Government and its policies, subjects that other newspapers shy away from. The Catholic Church publishes a newspaper, "Sendero," which reopened after the "ABC Color" closure and now appears twice a month. It too has printed articles criticizing government policies and actions and touching on subjects which the Government considers sensitive. It is generally believed that the Government permits these two newspapers considerable latitude because of their small circulation and less frequent appearance.

The remaining daily newspapers have been noticeably more subdued in their reporting of sensitive issues since the closure of "ABC Color". They have been joined by a new daily paper, founded by a businessman with close ties to the Government. This new journal, which has been extremely cautious and supportive of the Government in its editorial policy, is viewed as an attempt by the Government and its supporters to move into the vacuum left by "ABC Color", which, until its closure, was the most widely read and influential paper in the country.

Paraguay's two television stations are both privately owned. Their news programs are carefully self-censored and closely monitored by the Government. They virtually always carry commentary laudatory of the Government; reporting on the activities of opposition parties is virtually non-existent.

Two of Asuncion's radio stations, Radio Caritas, which is affiliated with the Catholic Church, and Radio Nanduti, which is privately owned, have been notable for their willingness to broadcast more sensitive items of local news. Radio Nanduti in particular has specialized in carrying interviews with politicians of all parties, including those which are not legally recognized, sometimes on sensitive issues. As a result, the station was shut down for 30 days in July 1983. Since then the station's owner, Humberto Rubin, has received occasional warnings from Paraguayan authorities. For example, Rubin has reportedly been warned about giving too much coverage to the closure of "ABC Color". On November 6, 1984 Government authorities informed Mr. Rubin that he would no longer be permitted to work as an announcer on his station, apparently on the grounds that he does not have a valid license. This too is widely viewed as another form of pressure against the station.

b. Freedom of Peaceful Assembly and Association

Despite constitutional guarantees concerning the rights of peaceful assembly and association for legal ends, these rights are often violated in practice. Under the state of siege which is in effect in the capital, it is technically necessary to obtain permission for any assembly of more than a certain number of persons, for whatever purpose. Generally, however, activities of organizations which are non-political in nature are unhindered and this restriction is enforced only in the case of gatherings sponsored by opposition political parties or other organizations critical of the Government. For example, a proposal in March by a group of opposition parties to invite like-minded parties from other South American countries to participate in a public conference in Asuncion had to be dropped when government authorities made clear that they would not permit such a gathering.

On the other hand, there were occasions when the Government did permit public meetings in which even those political parties which are not legally recognized were allowed to participate. For example, in February a group of opposition parties was permitted to hold a rally in one of Asuncion's parks. The rally featured speeches by a variety of opposition figures, including many from parties and organizations not legally recognized.

Similarly, while the police normally do not permit public demonstrations, even peaceful ones, that criticize the Government or its policies, occasionally such events do take place. In January, for example, a small group of persons demonstrated in front of the Ministry of Interior calling for the capture and extradition of Dr. Josef Mengele, the Nazi war criminal who is believed by some to be hiding in Paraguay. (The Paraguayan Government denies this.) The group of demonstrators was led by Mrs. Beate Klarsfeld, an anti-Nazi activist who was visiting Paraguay.

## PARAGUAY

The right to free association is particularly curtailed in the case of the Paraguayan labor force. Paraguayan workers are not permitted to organize freely, as demonstrated most recently by the August detention for 15 days without charge of five union officials seeking to organize construction workers at the state-owned steel mill now under construction. Strikes are not permitted by the Government, and efforts at collective bargaining by the few independent labor unions which are permitted to exist are sometimes frustrated, with the tacit backing of the Government.

Most of the labor unions in Paraguay are members of the Federation of Paraguayan Workers which claims to represent over 90 percent of organized labor. The Federation is carefully controlled by the Government and is not able to defend effectively the interests of the Paraguayan work force. The leadership of the Federation, and of most of its member unions, is not freely elected by the membership, but rather is chosen on the basis of acceptability to the Government. Union officials who differ with the Federation's policies are often harassed or fired by their employers with the tacit support of the Government.

There are a number of independent unions in Paraguay, some of them organized at the company level. Some have been strong enough to bargain with management, despite efforts by private firms - sometimes supported by the Government - to resist their efforts. Some of the independent unions have been granted legal recognition by the Government, but others have not, making it difficult or impossible for them to bargain effectively. The Government is less likely to recognize groups which it perceives to be more independent of its control. For example, the Union of Professional Journalists has never been granted legal recognition, despite its claims to have satisfied all the legal requirements. The president of this union is a well-known journalist who in the past has been highly critical of the Government and who has been held without charges by the police three times for extended periods, most recently in 1983.

The activities of the independent unions are carefully monitored by the security forces and the Ministry of Labor. Their leaders are often summoned by officials of the police or the Ministry of Labor for questioning about their activities and, on occasion, to be warned away from those activities of which the Government disapproves. Sometimes more direct threats are used. On one occasion, an independent union's leaders were called by the police and told that if they did not immediately terminate a demonstration which was being conducted within their union office, all of them would be arrested on the spot and their headquarters closed down. The demonstration was called off.

The Federation of Paraguayan Workers does not maintain ties with any of the public or private international labor organizations. It was expelled from the International Confederation of Free Trade Unions (ICFTU) several years ago. The ICFTU delegation which visited Paraguay in late 1983 was highly critical of the labor situation in the country, complaining that the Government was systematically violating the rights of the Paraguayan working class.

Some of the independent labor unions in Paraguay do maintain ties with international labor organizations, and the ICFTU, in criticizing the Paraguayan Government, has called for greater international support for the independent unions in Paraguay.

### c. Freedom of Religion

The Constitution establishes Roman Catholicism as the official state religion, but it also guarantees freedom of conscience for other denominations. With very few exceptions, this freedom is respected. Adherence to a particular creed confers no advantages within Paraguayan society and conversion from one faith to another is permissible. Many denominations conduct their activities freely, and missionaries are, for the most part, permitted to enter the country and proselytize. However, Paraguayan law prohibits the granting of legal status to new religious groups and a few evangelical churches have been unable to obtain government approval for their operations. The Jehovah's Witnesses, for example, lost its legal registration in 1979. The church filed an appeal with the Paraguayan Supreme Court, but no action has ever been taken on it.

### d. Freedom of Movement within the Country, Foreign Travel, Emigration and Repatriation

The Constitution provides for freedom of movement, which is usually not restricted within the country. Most citizens may enter and leave the country freely. However, members of one of the unrecognized political groups have complained that they have been told by the police that they must report any intention to leave the country 48 hours in advance. In addition, there continue to be complaints by opposition figures and human rights activists about difficulties in obtaining passports. Nontheless, there appeared to be fewer incidents of such restrictions on travel in 1984, and a number of prominent critics of the Government reported that they were able to obtain passports during the course of the year, although after considerable delays.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

President Stroessner dominates the Paraguayan political system. He rules through the Colorado Party, which administers public patronage, through the military and police forces, which maintain public order and guarantee the security of the regime, and through the governmental bureaucracy. The legislative branch, consisting of a Senate and a Chamber of Deputies, is almost completely responsive to the desires of the President on all important matters. The Colorado Party's two-thirds majority in both houses gives it complete control of the legislature. There have been very few occasions under President Stroessner's rule when the legislative branch has rejected Government proposals or policy. However, there have been some cases when Colorado party legislators have been able to delay, or even alter, legislative proposals submitted by the executive branch. The legislative branch also provides a forum for representatives of the legally-recognized opposition parties to express their views and criticize the Government. They have no real power, however, to affect the workings of the legislature.

General elections are held every five years for the presidency and the two houses of the legislature, most recently in 1983. The law requires that all Paraguayans 18 years of age or more vote. Two of the three legally recognized opposition parties participate in the electoral process; the third declines to do so on the grounds that the Government's control over the political process makes such participation meaningless. In 1983, the control of the electoral machinery by the dominant Colorado Party resulted in a seriously flawed election.

The domination of the nation's political life by the Colorado Party stems in considerable measure from its ability to dispense patronage and to take advantage of every opportunity offered by the machinery of government to maintain its predominance. Access to positions in the Government, as well as in the officer ranks of the military and the police, is in practice limited to members of the party. Individuals often join the party for economic and social advantages such as enrollment in the national university or permission to bid on public contracts. At the local level, police and government officials use their considerable powers and influence to support the Colorado Party.

In addition to the three legally recognized opposition parties there also exist political parties which do not enjoy juridical recognition from the Government, and therefore cannot participate in the political process. In any case, most such groups reject participation under the current electoral system. Since they are not legally recognized, these parties have more serious problems in attempting to proselytize and otherwise carry on normal political activities. For example, in June the unrecognized Authentic Radical Liberal Party sought permission to hold a convention in Asuncion for the election of new officers. Permission was not granted, and as a result the party was forced to hold a series of meetings in private residences as a substitute for a convention. The Christian Democratic Party has for many years sought legal status, insisting that it has already complied with the requirements of the electoral law. Nonetheless, this permission has not been granted. Regardless of their legal status, however, all opposition parties are subject to harassment by the authorities.

### Section 4 Government Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Government describes negative comments about its human rights performance from outside sources as unwarranted interference in Paraguay's internal affairs. Nonetheless, the Government has normally responded to inquiries from organizations such as the United Nations Human Rights Commission and the Inter-American Commission on Human Rights. The UN Human Rights Commission continues to consider the human rights situation in Paraguay in confidential proceedings under resolution 1503. In addition, in 1984 the Commission adopted a resolution concerning the impact of the state of siege in Paraguay. The Paraguayan Government has generally cooperated with the Commission.

During 1984 a number of representatives of private human rights organizations, as well as private individuals concerned with human rights problems, visited Paraguay. For example, the Inter-American Press Society sent a delegation to Paraguay in June to inquire into the closure of the Newspaper "ABC

Color" and to seek its re-opening. Members of the group met with a wide range of figures, within and outside the Government, and three of them met with President Stroessner. The same month, a group representing Americas Watch and the New York Bar Association, visited Paraguay to investigate the human rights situation. This group also met with a wide range of human rights activists and was allowed to visit two prisoners whom local human rights organizations believe are being held for essentially political reasons. The visit by the Americas Watch group took place only after a previous effort to visit Paraguay in April was aborted. At that time, the members of the group were detained briefly by the police following a dispute at the airport with authorities who insisted on examining and making copies of documents they were carrying. The group therefor decided to abandon the visit and left on the next available aircraft. Paraguayan officials subsequently invited representatives of the two organizations to return. The incident underlines the Paraguayan Government ambivalence towards such visits.

While for the most part willing to allow visits by human rights activists, the Government rejects any suggestion that serious human rights problems exist in Paraguay. The official newspaper of the ruling Colorado Party routinely dismisses the findings of organizations such as Amnesty International, which has for many years expressed concern over the situation in Paraguay. In its 1984 report, for example, Amnesty's major concerns related to cases of "arbitrary arrest, torture, the forcible expulsion of political detainees and the use of state of siege legislation to detain political opponents for prolonged periods without trial." The Paraguayan Government has never accepted the validity of such charges, and insists that such problems do not exist.

A number of local private organizations continued to be active during 1984 in trying to protect individual liberties. These include the Inter-Faith Committee, which is supported by three different church groups, the Paraguayan Human Rights Commission, the Paraguayan chapter of the Association of Latin American Lawyers for the Defense of Human Rights, and the Union of Paraguayan Women. The opposition political parties and certain of the media also have sought to publicize human rights problems and to express support for a more open and democratic society. These human rights groups make known cases involving alleged human rights violations and provide legal assistance to individuals. Their efforts have also helped to keep human rights abuses under international scrutiny and to secure the release of a number of detainees. As with foreign organizations which allege the existence of human rights problems, the Government is critical of local human rights organizations. Some local human rights activists complain of government harassment, which they attribute to their public criticism of human rights abuses.

## ECONOMIC, SOCIAL AND CULTURAL SITUATION

Paraguay's population, estimated to be 3.6 million in 1984 and growing at a rate of 2.7 percent per year, is small in relation to its land area -- 157,047 square miles, about the size of California. Agriculture (including forestry and ranching) is the most important economic activity, accounting for nearly one-third of gross domestic product, one-half of employment and over 95 percent of exports. Probably because of the relative abundance of good land, urban poverty and landlessness are not as apparent in Paraguay as in many other developing countries. Aproximately 65 percent of the total population lives in rural areas.

In the mid-1970s, Paraguay commenced a period of unprecedented economic expansion stimulated by the opening up of the country's isolated interior for agricultural and ranching development and by the construction of hydroelectric dams, especially the massive Paraguayan-Brazilian Itaipu project, to harness the waters of the Parana River. Although statistics issued in 1978 show that 19 percent of the population falls below the absolute poverty level in urban areas, as does 50 percent in rural areas, the relative economic prosperity from the mid-1970s to early 1980s pushed Paraguay into the middle-income developing-country category with a per capita gross national product of $1,606 in 1982.

A steep economic recession during 1982-83 and currency devaluation since have reduced per capita income considerably, but in 1984 Paraguay was recovering from the recession with a growth rate of four to five percent, which should be similar in 1985. Open unemployment grew in 1984 as a result of the recession, especially in urban areas where it was estimated at 15 percent.

The Government professes support for a private enterprise economic system but public sector growth in recent years has outpaced the private sector and increasingly has infringed upon areas previously left to private initiative. In some cases, state monopolies already are economic burdens, and controversial public works or public sector industrial projects threaten to become additional ones. As the public sector has grown, reports of official abuse of public trust through graft and corruption have increased. Public sector employment and frequently contracts for government-related projects, usually depend on official connections or membership in the ruling party.

Even though nearly one quarter of the central government budget is devoted to health and education, funds available for social programs are low relative to needs. Life expectancy at birth was 66 years in 1984 and infant mortality was 44.7 per thousand live births, down from 109 in 1962. As early as 1977, the population as a whole was judged to have a daily caloric intake 22 percent greater than the minimum daily requirement. In the agrarian-based Paraguayan economy, adequacy of food is seldom a problem, although an imbalanced diet sometimes leads to problems of malnutrition among the poor. Government and private agencies attempt to address the latter problem through stronger home extension services.

Adult literacy is estimated at just over 80 percent (1972). Primary school enrollment was 560,621 in 1983. Statistics show that approximately 40 percent of the students enrolled completed six years of basic education. Some 60 percent of the primary graduates pass on to secondary education, but only 14 percent of the students entering secondary education eventually reach the sixth and final year. One of the recognized challenges facing the educational authorities is to increase school enrollments in the higher grades, especially in rural areas. Efforts are also being aimed at improving teaching standards and relating the content of education to the requirement of the country.

## PARAGUAY

Paraguay has an unassimilated Indian population estimated at 45,000. The Government's National Indigenous Institute can purchase land on behalf of the Indians and expropriate private property to establish tribal homelands. Implementation of this program has been slow and thus far its promise has not been realized, but during 1984 the Institute did purchase land on behalf of a group of Indians for the first time. The problems of the Indian population continue to receive wide publicity in the Paraguayan media. The most prominent issue during 1984 was a dispute between some 300 families of the Maskoy tribe and a large company which, according to the tribe, expelled them from their traditional lands. A number of organizations, including the Institute and the Government's land reform agency, the National Indigenous Institute for Rural Welfare, are involved in efforts to resettle the Maskoy tribe.

The Constitution guarantees "the equality of civil and political rights" of women, while emphasizing the importance of marriage and the unity of the family. Women play a subordinate role in the political life of Paraguay. The executive and judicial branches of Government have a few prominent female officials, and there are three women in the 90-member Parliament. Several others, including a prominent human rights leader, enjoy independent political renown. While the traditional social system limits the participation of women, particularly those from lower income groups, an increasing number are participating effectively in business, the professions, and the artistic world. However, women usually receive less remuneration than men for comparable work. There are two organizations concerned with women's rights: the Paraguayan League of Women's Rights, a wing of the ruling Colorado Party, and the Union of Paraguayan Women, an organization founded in 1982 by a former opposition member of the Parliament.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: PARAGUAY

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 3.9 | 3.2 | 2.7 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 3.9 | 3.2 | 2.7 |
| A.AID ................ | 0.0 | 0.0 | 0.2 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.2 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 0.1 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.1 | 0.0 | 0.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.1 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.1 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 3.8 | 3.2 | 2.5 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 3.8 | 3.2 | 2.5 |
| PEACE CORPS...... | 2.4 | 2.5 | 2.1 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 1.4 | 0.7 | 0.4 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.1 | 0.1 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.1 | 0.1 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.1 | 0.1 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 3.9 | 3.3 | 2.8 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 3.9 | 3.3 | 2.8 |
| OTHER US LOANS.......... | 63.9 | 1.1 | 0.0 |
| EX-IM BANK LOANS....... | 63.9 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 1.1 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 176.4 | 114.7 | 44.4 | 1047.7 |
| IBRD | 99.4 | 40.0 | 30.0 | 457.6 |
| IFC | 10.4 | 0.0 | 0.3 | 17.2 |
| IDA | 0.0 | 0.0 | 0.0 | 45.5 |
| IDB | 64.9 | 72.9 | 14.1 | 494.8 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 1.0 | 1.8 | 0.0 | 26.1 |
| OTHER-UN | 0.7 | 0.0 | 0.0 | 6.5 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

# PERU

Peru returned to democratic rule in July 1980, following free and open elections held in accordance with the 1979 Constitution written by an elected constituent assembly. The Constitution provides for a republic with an executive branch, a bicameral legislature, and an autonomous judicial system. It also provides for an independent Public Ministry, headed by an autonomous Attorney General whose functions were envisioned as incorporating both prosecutorial and ombudsman-like roles.

Peru's return to democracy came after more than a decade of military rule that began with a coup in 1968, and Peruvians have demonstrated their support for the electoral process and the right to choose among partisan alternatives. A large plurality of voters cast their ballots for Fernando Belaunde's Popular Action party in national and municipal elections in 1980. But in municipal elections held in November 1983, candidates of two major opposition groups scored major successes. Throughout 1984, the focus of the political process remained on candidate selection among the four main and the many smaller parties expecting to compete in national elections scheduled for April 1985. A lively and often times highly partisan press kept Peruvians informed of political developments and opinions in their country. Restoration of a free press was one of the Belaunde Government's major achievements.

In mid-1984, the President signed into law a major revision of the country's civil code. The product of nearly nineteen years of study, the revised code modernizes Peruvian laws, legal institutions and practices in an attempt to achieve greater compatibility with contemporary Peruvian society. The code represents a major step forward for women in Peru, whose constitutionally guaranteed equality with men is now recognized in specific laws.

Although Peru's restored democratic institutions continued to mature in 1984, the Goverment's efforts to revitalize a deteriorating economy and stem consequent social unrest met with only limited success. Persistently low world commodity prices and a very high debt service burden forced monetary authorities to follow a policy of strict austerity. Per capita GDP fell 14.4 percent in 1983; this negative trend was only partially mitigated in 1984.

Labor unrest, particularly among state employees, led the Government on June 8 to declare a national state of emergency which was extended following the recrudescence of Sendero Luminoso ("Shining Path") terrorist attacks in Lima and elsewhere in the country at mid-year. Security conditions improved sufficiently to permit restoration of suspended guarantees in most of Peru by October 6, but liberties were curtailed throughout the year (as had been the case in most of the period 1981-83 before that) in a broad, three-departmental "emergency zone" in the south-central Sierra. This zone remained under the political-military control of Peru's armed forces. The Government also placed under a state of emergency a smaller, mostly jungle region in north-central Peru, where a combination of narcotics traffic lawlessness and expansion of Sendero Luminoso terrorism had placed government authority in question.

## PERU

The Sendero Luminoso terrorist phenomenon has had a seriously disruptive effect on the political life of the country. It has been responsible for a significant increase in the level of overall societal violence and for the random and particularly brutal killings in the emergency zone since early 1983. Sendero Luminoso's disruptive effect was compounded during late 1984 by the emergence of the Tupac Amaru Revolutionary Movement (MRTA), an unrelated Castroite, urban-oriented group whose leaders reportedly have been tied to Cuba and Nicaragua. MRTA particularly targeted U.S. installations and private facilities in 1984; its actions took place largely in Lima and achieved a high public profile for the group.

Although the nationwide state of emergency had little impact on daily life for most Peruvians, those living in the emergency zone were affected by the special regime there. Operating under a unified "political-military command," units of Peru's three national police services worked with soldiers and marines to reestablish government authority. Successes were spotty, and the Government expanded the zone in late 1983-early 1984. An upsurge of terrorist violence in mid-1984 appeared to provoke a corresponding campaign of security force counterviolence. By late 1984, government forces had succeeded in breaking Sendero Luminoso's dominance in Ayacucho, the zone's main city, and a number of rural areas. But elsewhere in the region terrorist cadres retained an ability to operate openly.

The emergency zone's isolation from Lima made information gathering about, or independent verification of responsibility for, events difficult. Nevertheless, the fact of a rising death toll and widespread brutality was indisputable. According to recently published statistics, 70 local government officials have been assassinated by Sendero Luminoso there since the beginning of the Belaunde administration -- 31 in the period January-October 1984 alone. The overall death toll in the zone resulting from Sendero Luminoso actions has not been tabulated but is believed to be heavy. In August 1983, Peruvian authorities reported total losses (since the onset of terrorist violence in May 1980) of approximately 1,600. As of late 1984, the government had not issued any updated statistics on the death toll, except to announce that some 1,355 terrorist incidents occurred in 1984. But compilations of individual reports of deaths in terrorist-related incidents indicated that the 1983 figure had perhaps tripled. Foreign and local human rights activists expressed concern that much of this loss of life was the consequence of indiscriminate killing by the security forces, a charge that both military and top civilian government leaders denied. Amnesty International reports issued in early 1984 referred to incidents in which persons reportedly detained by security forces subsequently "disappeared," eventually turning up dead and, in some cases, with their corpses displaying signs of torture.

# PERU

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

### a. Political Killing

The phenomenon of widespread political killing in Peru is relatively new. Although Sendero Luminoso violence began in mid-1980, extensive brutal killing did not begin until early 1982. The terrorists' initial targets seemingly were selected: police, government authorities, and "exploitative" landlords and merchants. But in early 1983 Sendero changed tactics, fomenting indiscriminate communal massacres in which large numbers of persons--mostly rural villagers--died. In 1984, internecine clashes between pro- and anti-Sendero Luminoso communities became more frequent.

Security forces responded to escalated Sendero Luminoso violence with increased violence of their own. Although military authorities discontinued in 1984 the previous practice of issuing frequent communiques describing Sendero Luminoso losses suffered in "armed confrontations" in the emergency zone, thus making it difficult to track the toll of violence, indirect evidence suggested that the pace of killing increased. Newspaper and magazine accounts in the final weeks of 1983 reported the discovery of bodies, singly and in groups, in desolate spots near the emergency zone's two main centers, the cities of Ayacucho and Huanta. Most of these were the corpses of young men, among whom some were identified as individuals previously reported as "missing." A second series of such discoveries followed in the wake of a renewed Sendero Luminoso offensive that began in late June. Anti-government critics charged that these events disclosed a security force practice of killing suspects without trial or, for that matter, without regard to evidence of their involvement in subversive acts. Some pro-government spokesmen acknowledged the probability of cases of security force "excesses." Controversy was wide ranging regarding who was responsible for the deaths and what should be done.

In addition to deaths arising directly from the conflict between terrorist and counter-terrorist forces, government authorities acknowledged the involvement of a local police garrison in the massacre of over 30 villagers in Socos in mid-November 1983. Civil Guard head Juan Balaguer revealed on September 7, 1984 that 26 policemen (later indicted) were implicated in that event. Although he provided no details, news media alleged that the police in question had acted under the influence of alcohol -- with a minor dispute between villagers and policemen setting off a tragic massacre which the police later sought to cover up. Press reporting on other occasions also charged drunkenness among security forces as a causal factor in producing emergency zone tragedies. The zone's political-military head, General Adrian Huaman, attempted to restrict access to alcohol by personnel under his command.

### b. Disappearance

The question of disappeared persons ("desaparecidos") became a major political issue in August-September 1983, with the publication of Amnesty International's reports. Amnesty International issued follow-up reports in early 1984 but, with a change of military leadership in the emergency zone and apparent corresponding change in security force tactics, the issue began to recede from the foreground. The private National Commission on Human Rights presented to the Public Ministry on May 9 a documented list of 661 cases of "desaparecidos." Almost without exception, however, this list dealt with complaints that had been registered in 1983 (i.e., before the January 1 change in zone command). Statistics released in late April by Ayacucho's District Attorney, Benjamin Madueno, offered a similar picture: of some 690 instances filed with his office, the largest portion (all but 100) dated from 1983. The anti-government Lima daily "La Republica" reported on June 26 that the total number of complaints presented to public ministry authorities from December 1982 until May 1984 numbered 1,200, a large majority having occurred in the single Department of Ayacucho.

However, beginning in late July and continuing through August and September, the controversy surrounding disappearances intensified dramatically. On July 27, campesino leader Jesus Oropeza was detained in a police station in the southern Ayacucho Department town of Puquio. Between that date and the discovery of his mutilated corpse on August 10, Oropeza was officially "missing," as police authorities asserted they had turned Oropeza over to an unidentified military unit on the night of the 27th. Interior Minister Luis Percovich on August 13 sent the Senate a police investigative report that changed fundamental details from the original police version but maintained that the police had not been responsible for Oropeza's death. But, after testifying before a closed Senate session August 16, Percovich acknowledged that the Puquio police appeared to have been responsible. The Senate itself issued a communique noting that grounds existed "to presume that the citizen Oropeza could have been victimized by (those) forces responsible for his custody and transport."

In a contemporaneous case in northern Ayacucho Department, "La Republica" Huanta correspondent Jaime Ayala Sulca went to the local security force headquarters on August 2 to protest a forced entry by police earlier that day at his mother's home. Although Peru's Attorney General himself investigated, Ayala was never seen thereafter.

On August 24, the press reported the discovery near Huanta of numerous corpses in several "clandestine" graves. Approximately fifty bodies were uncovered. Both President Belaunde and the Military High Command disclaimed security force responsibility for the deaths, asserting that the victims were likely Sendero militants who had fallen in combat and been buried by their comrades. Many press commentators in Lima disagreed, citing the fact that the victims' corpses had been disfigured and left nude to prevent identification; the manner of death too, they pointed out, was inconsistent with battle-inflicted wounds. Many normally pro-government publications editorialized on the dangers to Peruvian political society of allowing security force excesses to occur, but complaints of disappearances (such as that of Huancavelica labor union leader Hilario Ayuque on September 20) continued, and Lima's press reported the discovery of more clandestine graves near Huanta.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits capital punishment (except for treason in time of foreign war), torture and inhumane or humiliating treatment. Nevertheless, charges of security force brutality toward detained prisoners have been commonplace since the military entered the emergency zone in December 1982. Amnesty International's report "Torture in the Eighties" asserts that torture victims in Peru "have included people from all walks of life," although those of "the largely Indian peasantry, or from sections of the urban poor" are more likely to experience serious mistreatment. The Amnesty International report also charged that torture is more likely to occur before prisoners appear in court and (referring to the emergency zone) often precedes extra-judicial executions.

In general, prison conditions in Peru are primitive, and persons under detention are likely to encounter limited hygienic facilities, poor nutrition, and occasional ill-treatment by poorly paid prison staff. Charges of outright torture in such facilities, however, were notably absent in 1984. Torture charges that did appear in the press associated such activity with Sendero Luminoso terrorists and security forces engaged in combatting subversion. Chamber of Deputies President Elias Mendoza acknowledged on August 13 that some of those engaged in the anti-terrorist effort indeed had committed abuses. Although pro- and anti-government political leaders often disagreed as to the identity of those responsible for particular events, the mutilated bodies of victims found in the emergency zone frequently testified to their having been tortured prior to execution. A number of female detainees complained that they had been raped or otherwise sexually abused. In one such example, Juana Lidia Argumedo, a key witness in the trial of suspects accused of the January 1983 murder of eight Peruvian newsmen at Uchuraccay was, according to charges filed by the public prosecutor, raped by security force members after she was taken into custody in mid-September 1984.

### d. Arbitrary Arrest, Detention, or Exile

The Constitution requires that persons arrested be arraigned within 24 hours for all crimes except drug trafficking, terrorism, or espionage, for which the limit is 15 days. Administrative difficulties sometimes preclude the 24-hour deadline from being met, but arraignment usually occurs in a timely manner. The Constitution also guarantees habeas corpus which is respected in practice. These guarantees are suspended, however, by the declaration of a state of emergency, under which police authorities are empowered to detain individuals indefinitely.

Aside from the particular experience of the south-central Sierra emergency zone, however, the 120 days that Peru spent under a national state of emergency in 1984 passed virtually unnoticed. Notwithstanding the suspension of constitutional guarantees, with only isolated exceptions police authorities did not detain persons longer than permitted by the Constitution. The exceptions in general appeared to be the product of local initiative, were of short-term duration and resulted in no known disappearances. Within the zone, little changed in regard to security force practices established in 1983. Allegations continued to be published in the Lima press concerning the detention of persons in the zone by members of the security forces, some of whom allegedly were not in uniform or were masked, and of the difficulty experienced by relatives in establishing the whereabouts of persons so detained. These complaints on occasion were echoed by Public Ministry officials posted in the zone. District Attorney Madueno, for example, protested publicly in April about a lack of cooperation by security force authorities who, he said, were impeding his office's operations. Of several hundred inquiries regarding complaints of "desaparecidos" that his office had sent to the zone's political-military command, only a handful elicited responses. On May 1, Madueno resigned in protest, an example that some other Public Ministry representatives in Ayacucho later followed.

The Constitution expressly forbids exile, and no such acts occurred in 1984.

### e. Denial of Fair Public Trial

The Peruvian judiciary is independent of the executive in both law and practice. The National Council of the Magistracy, under the Attorney General, selects nominees for judicial vacancies; appointments are for life, and only Supreme Court justices require legislative confirmation. Charges of lower court malfeasance are investigated by the Supreme Court, while the National Council of the Magistracy investigates any complaints against the top tribunal and turns them over to the Attorney General if there are grounds for indictment. The Supreme Court itself has responsibility for final action.

All civil crimes are tried in civilian courts. Those arrested are entitled to have an attorney present when they make statements to the police. Public prosecutors (from the Public Ministry) customarily also are present, to assure that such statements have not been made under threat or coercion. A system of public defenders exists, but resources available to support it are limited and, in the final analysis, most defendants must themselves bear the costs of arranging for their own defense. In accordance with the Constitution, the burden of proof formally lies with the prosecution and arrested persons are presumed innocent. Nevertheless, Peru's jails are clogged with large numbers of untried prisoners whose cases have not been adjudicated due to administrative backlogs. A trial review system provides for a closed judicial hearing, followed by a public trial in Superior Court for those held for probable cause at lower levels. Where its jurisdiction so permits, the Supreme Court hears final appeals.

In common with other prisoners, persons arrested and formally charged with terrorist crimes face long periods of detention while their cases remain under investigation. Some 900 such persons were in various prisons throughout Peru in November 1983; by June 1984, that number had risen to approximately 1,100, and in December the Prime Minister declared that 1,966 subversives were detained. For security reasons, all trials of terrorism cases are concentrated in Lima, a factor which itself adds to delay, and the overwhelming majority of terrorism suspects have yet to see their cases processed to a final verdict through the several stages of the judicial process.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

A judicial warrant is required to enter a private dwelling, the inviolability of which is guaranteed by the Constitution except under a state of emergency. State authorities do not interfere with or regulate the right of individuals to join political or religious organizations. There is no indication that the Government monitors correspondence or telephone communications except as authorized by judicial warrant. Foreign publications circulate freely, and radio broadcasts from abroad are not jammed. The Government permits, encourages, and assists the promotion of indigenous languages.

Security forces in the emergency zone routinely availed themselves of their authority under the state of emergency decree to make warrantless searches of private homes. Elsewhere in the country, however, police exercised this liberalized authority in only isolated instances.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Peru's Constitution guarantees, and the Goverment in practice allows, freedom of speech and of the press. Acknowledged to be one of the Belaunde administration's key achievements, the reestablishment of a fully independent media was accomplished on its first day in office. Peruvian publications reflect political viewpoints across the spectrum, and the Government makes no attempt to censor criticism, including criticism of its human rights record. Under Peru's constitution and in practice, press freedom is not one of the civil liberties suspended when a state of emergency is declared, whether nationwide or in the emergency zone.

The Government came in for occasional press criticism in 1984 resulting from allegations concerning inappropriate police behavior toward individual journalists covering news events on Lima's streets. As in 1983, more serious allegations of security force interference with press freedom arose in the emergency zone. Two "El Diario" correspondents (Abilio Arroyo in Huanta and Luis Morales in Ayacucho) complained that the police continued to threaten and detain them arbitrarily. The latter newsman's 16-year old son "disappeared" briefly in April, but prompt intervention by District Attorney Madueno resulted in his release. The disappearance of Jaime Ayala led the Peruvian Press Association to issue a communique on August 14 demanding his immediate liberation and an end to infringements on press freedom in the zone. The Foreign Press Correspondents Association also issued a public protest (August 21), when security forces briefly detained three newsmen (two of them from UPI) when they arrived in Ayacucho to cover the Ayala disappearance. Conversely, many Peruvians were critical of what they considered the Government's excessive tolerance of deliberately false reporting by some media regarding the terrorist/anti-terrorist situation which, in their view, was destabilizing and damaging to Peru's image abroad.

### b. Freedom of Peaceful Assembly and Association

These rights are guaranteed in the Constitution and are normally respected by the Government, which is forthcoming in issuing permits for demonstrations. For the most part, the Government deals with even unauthorized demonstrations in a non-confrontational manner. The right to assembly is among those specifically suspended by the proclamation of a state of emergency, and on occasion the Government availed itself of this suspension during the 120-day period of national emergency.

The Constitution guarantees private sector workers the right to organize, bargain collectively, and strike. Public sector workers (except for armed forces, judges, and high officials) have similar rights, although with some restrictions. In practice, employees organize and strike freely. A legislative proposal to regulate the right to strike has been under consideration in Congress for over two years.

About ten percent of the work force is organized, and total membership in communist and other far left unions is somewhat larger than that of democratically-oriented unions. No significant part of the labor movement is tied to the Government or the government party. Unions generally are not formally linked with political parties, but important national confederations are identified with particular political tendencies. Union leaders are consulted regularly by the President, Prime Minister, and Minister of Labor, as well as congressional committees. Peruvian labor organizations affiliate freely with regional and international trade union organizations of all ideological tendencies. Peru is an active member of the International Labor Organization.

### c. Freedom of Religion

The Roman Catholic faith is overwhelmingly predominant in Peru, and the Constitution formally recognizes the Church's importance. It also establishes the independence of church and state, which is respected in practice, and guarantees freedom of religion and conscience. Members of minority religions encounter no difficulty in practicing their faith or in exempting their children from religious instruction in public schools. Missionary organizations operate freely in the country with the cooperation of government ministries.

The few complaints that arose in 1984 with respect to freedom of religion had to do with the consequences of Peru's ongoing efforts to combat terrorism. Charges occasionally surfaced in sectors of the media, and were repeated by some government party members of Congress, of subversive activities being carried out in Peru by certain foreign nuns and clerics. The occasional detention of a nun or cleric by local police officials on suspicion of involvement with terrorists (such as that of Salesian Priest Rolando Ramos in Cuzco in early October) indicated that these expressions of concern, whether or not intended to be more than rhetorical by government spokesmen, could create an atmosphere of suspicion. In none of the cases did the initial detention lead to the pressing of charges, and all such individuals were set free, usually after only a short delay.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution guarantees the right of free movement. There are no political or legal constraints on foreign travel or emigration. The declaration of a state of emergency suspends the guarantee of free movement within the country but, in practice, even during the period of national emergency in 1984 travelers were seldom hindered because of the suspension of this guarantee. Travel in the emergency zone continued to be affected more by the difficulty of moving about in mountainous and dangerous terrain than by prohibitions set by the security forces.

In June 1984, Peru acceded to the 1967 UN Protocol on the Status of Refugees. Even before accession, the Government had accepted the protocol in principle and did not force refugees to return to countries where they had reason to fear persecution; rather, Peru has assisted refugees to integrate into Peruvian life. Most of the Cuban refugees who came to Peru in 1980 have now been resettled. Historically, refugees fleeing turmoil in neighboring countries have been encouraged eventually to return but have not been pressured. Refugees from more distant places (such as Iran) have been either resettled or assisted in finding third countries that would accept them. The only cases in which Peru has approved involuntary repatriation have involved non-political criminals.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Peru is a democratic country governed by a freely elected President and Congress. The Constitution mandates universal suffrage for all Peruvians (except armed forces members) 18 years of age and older. The political process is completely open and vigorously contested by a broad variety of political groups, any of which citizens can join without government interference. Constitutional provisions guarantee participation in the political process to all, regardless of race or sex. Leadership of the various parties tends to remain largely in the hands of urban elites, whose access to educational, financial, and communications opportunities affords them de facto advantages over rural-based elements. Indians and Peru's small black community remain underrepresented at top levels of all governmental institutions and professional associations.

The Belaunde Government has enjoyed working majorities in both houses of Congress for almost all of its incumbency. (The Government's Senate majority depended on cooperation by a coalition partner, the Popular Christian Party, which opted to end their alliance in mid-1984.) Although members of Congress tended to accept party discipline, enough instances of broken ranks occurred to make votes at times unpredictable.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

Peruvian Government authorities continued to dispute charges in 1984 of alleged abuses made by both international and domestic human rights spokesmen and associations. Prime Minister Luis Percovich and Second Vice President Javier Alva, among others, described Amnesty International's 1984 report on Peru (which expressed serious concern about extrajudicial executions, disappearances, torture and prolonged detention of peasant leaders, as well as the use of torture and execution-style killings by guerrillas) as one replete with errors and inadequately investigated charges. The government-owned Lima daily "Cronica" editorialized in October that Amnesty appeared "to have no other source of information than communist newspapers" circulating in Peru (referring to considerable Amnesty International reliance on "El Diario Marka"). Pro-government press sectors periodically condemned foreign publications, especially in Western Europe, for printing allegedly distorted accounts of rights violations. Notwithstanding such criticism, however, government officials treated visiting foreign human rights advocates courteously and afforded them opportunities to travel about the country and interview both government spokesmen and critics. This was the case with a December 1983 visit by an "Americas Watch" delegation, which conferred with then-Prime Minister Fernando Schwalb and then-Interior Minister Percovich, among others. The Government also treated visiting Nobel Peace Laureate Adolfo Perez Esquivel with deference, facilitating his mid-May visit to Peru with a trip to Ayacucho and a private interview with President Belaunde. Domestic Peruvian human rights advocates denounced alleged violations and attacked the Government's lethargy in dealing with them; none appeared to suffer any retaliation or other adverse consequences as a result.

The Government's attitude toward the International Committee of the Red Cross (ICRC) appeared to undergo change as 1984 advanced. While welcoming and publicizing an ICRC delegation visit to Ayacucho in January, government officials later in the year tended to ignore the organization and were unresponsive when the political/military command denied ICRC representatives access to detention facilities in the emergency zone.

Peru supports human rights causes in international forums, but maintains a low official profile. Most Peruvian declarations on international human rights issues take the form of editorial comment in the press and public comment by elected party and political figures. Peru is a member of the UN Human Rights Commission.

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Peru's population, growing 2.4 percent yearly, exceeded 19 million in 1984. GDP per capita was about $1,254 in 1982 and declined in real terms by about 10 percent in 1983. Median per capita income was estimated in mid-1982 at $640 in Lima and $600 in other major cities; in the rural areas it is lower. Many other indices illustrate Peru's relative poverty. In 1984, life expectancy at birth was slightly over 59.2 years, while the infant mortality rate was 98.9 per 1,000 births. Data from 1978 show that only 25 percent of the rural population had access to potable water sources, while 60 percent of urban dwellers did.

A 1977 study showed that Peruvians obtained 96.8 percent of their caloric needs. In 1980, the adjusted primary school enrollment ratio stood at 118. About 73 percent of the adult population was literate in 1972 (the last year for which data is available). This figure probably improved in the succeeding decade.

Composed of completely distinct geographic regions, Peru is a classic case of differential development. Public investment traditionally has been focused on the coast, drawing migrants to the cities, especially Lima. The one-third of the population in the capital area accounts for two-thirds of

## PERU

Gross Domestic Product (GDP). Many Indians live in Peru's poorest regions in the mountains, and the difficulty and cost of providing services to areas remote from the mainstream of the dominant Hispanicized culture and the centers of economic activity impedes development efforts. As a result of this dichotomy and of historical prejudices, the economic and social needs of Peruvians of European ancestry are more likely to be met than those of Peruvians of mixed or pure Indian heritage.

The previous military Government made significant efforts to rectify this situation. The Belaunde administration attempted to continue these efforts and provide for sustainable and equitable economic development. The developmental achievements of President Belaunde's administration have been limited by a variety of factors. Adverse economic conditions that intensified in 1983-84 overwhelmed the Government and forced it to adopt austerity measures. Austerity programs, essential for economic recovery, create temporary hardship for the unemployed or underemployed (about 60 percent of the work force) as well as for the employed, whose wages have declined in real terms.

Tradition has impeded the access of both women and members of minority groups to leadership roles in major social and political institutions. This slowly is changing. A revised Civil Code, which took effect in November 1984, eliminated the inequality with respect to the ownership of property to which women had previously been subjected. Moreover, for the first time, a woman was chosen (December 1983) to head Lima's Superior Court. All major political parties indicated interest in selecting more women as candidates for congressional races in 1985. Proposals to open the officer ranks of the three national police services and armed forces to women, however, did not prosper in 1984.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS (U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: PERU

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 54.6 | 93.4 | 164.6 |
| LOANS.............. | 44.2 | 48.5 | 119.0 |
| GRANTS............. | 10.4 | 44.9 | 45.6 |
| A.AID ................. | 35.8 | 35.5 | 118.9 |
| LOANS.............. | 28.0 | 19.5 | 100.0 |
| GRANTS............. | 7.8 | 16.0 | 18.9 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 16.2 | 55.9 | 42.9 |
| LOANS.............. | 16.2 | 29.0 | 19.0 |
| GRANTS............. | 0.0 | 26.9 | 23.9 |
| TITLE I-TOTAL.......... | 16.2 | 29.0 | 19.0 |
| REPAY. IN $-LOANS..... | 16.2 | 29.0 | 19.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.0 | 26.9 | 23.9 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 10.6 | 2.7 |
| VOL.RELIEF AGENCY..... | 0.0 | 16.3 | 21.2 |
| C.OTHER ECON. ASSIST... | 2.6 | 2.0 | 2.8 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 2.6 | 2.0 | 2.8 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 2.3 | 1.8 | 2.8 |
| OTHER............ | 0.3 | 0.2 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 5.0 | 4.6 | 10.7 |
| LOANS.............. | 4.5 | 4.0 | 10.0 |
| GRANTS............. | 0.5 | 0.6 | 0.7 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 4.5 | 4.0 | 10.0 |
| C.INTL MIL.ED.TRNG.... | 0.5 | 0.6 | 0.7 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 59.6 | 98.0 | 175.3 |
| LOANS.............. | 48.7 | 52.5 | 129.0 |
| GRANTS............. | 10.9 | 45.5 | 46.3 |
| OTHER US LOANS.......... | 0.0 | 26.3 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 26.3 | 0.0 |
| ALL OTHER............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 443.3 | 454.1 | 316.5 | 3077.6 |
| IBRD | 286.7 | 302.2 | 122.5 | 1646.4 |
| IFC | 18.2 | 8.0 | 9.2 | 73.3 |
| IDA | 0.0 | 0.0 | 0.0 | 0.0 |
| IDB | 130.0 | 142.3 | 184.8 | 1291.1 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 5.4 | 1.6 | 0.0 | 52.2 |
| OTHER-UN | 3.0 | 0.0 | 0.0 | 14.6 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## ST. CHRISTOPHER AND NEVIS

St. Christopher and Nevis, commonly known as St. Kitts and Nevis, is the newest of the English-speaking Eastern Caribbean island states. The United Kingdom granted independence to the two islands on September 19, 1983. The Constitution establishes a parliamentary system of government with elections at least every five years. It also provides the smaller island of Nevis considerable self-government as well as the right to secede from the federation provided that certain procedures laid out in the Constitution, including a six-month notice, are followed. The new nation's popularly elected government is modeled after the British parliamentary system. There is an active and vocal political opposition.

The economic system is mixed. Most commercial enterprises are privately owned. However, the sugar industry, which is the country's largest, and 85 percent of all arable land are owned by state corporations.

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

No political killings were reported in 1984.

#### b. Disappearance

No politically motivated abductions, extra-legal detentions or disappearances were reported in 1984.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The authorities abide by the constitutional prohibitions against the use of torture or cruel, inhuman, or degrading treatment or punishment. Security forces consist of a small police force augmented by a tactical reponse unit. Prisoners are housed in an outmoded jail; regular visits by family members, attorneys, and clergy are permitted.

#### d. Arbitrary Arrest, Detention, or Exile

Constitutional guarantees prohibit arbitrary arrest and detention. Habeas corpus provisions require that any one detained be brought before a court within 48 hours. Opposition politicians have made unsubstantiated charges that the present Government has been involved in politically motivated arrests. There were no reported cases of exile.

#### e. Denial of Fair Public Trial

The Constitution requires that every person accused of a crime receive a fair, speedy, and public trial. The judiciary is highly regarded and independent. Like most of the English-speaking Caribbean, St. Christopher and Nevis is served by the West Indies Court of Appeal. Legal assistance is available to indigent defendants.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Neither the police nor Government arbitrarily interfere in the private lives of individuals. Warrants are required to search private homes.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The Constitution guarantees freedom of speech and of the press. The country does not have a major daily newspaper. Each of the large political parties publishes a weekly or biweekly newspaper, and there are regional, church-funded newspapers. International news publications are readily available. Opposing viewpoints are freely debated on the television station which the Government owns and operates, and spokesmen for various organizations air their views on the commercial radio station.

### b. Freedom of Peaceful Assembly and Association

The Constitution guarantees the right of peaceful assembly. Organized demonstrations, rallies, and public meetings sponsored by political parties occur regularly without government or police interference. Labor unions are free to organize and to negotiate for better wages and benefits for union members.

### c. Freedom of Religion

The Constitution guarantees the free exercise of religious beliefs, and there are no restrictions on religious practices. The vast majority of church members belong to several Protestant denominations.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Travel inside and outside of the federation is unrestricted. Citizens resident in other countries are free to return at any time.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The multi-party political system encompasses a wide variety of political views. The minimum voting age is 18. Political parties are free to conduct their activities, and every party holds some type of annual convention.

The present Government is a coalition of two of the country's three major political parties: the People's Action Movement, led by Prime Minister Dr. Kennedy A. Simmonds, and the Nevis Reformation Party, headed by Simeon Daniel, the Premier of Nevis and Minister of Natural Resources and Environment. In the June 1984 national elections, this coalition won a strengthened mandate by taking nine of the eleven elected seats in the Federal Parliament.

## Section 4 Government Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

## ST. CHRISTOPHER AND NEVIS

Internationally recognized human rights organizations have not commented on the human rights situation, nor has anyone requested an investigation or called for inquiries into alleged violations. The Government is firmly committed to the promotion of human rights and is sensitive to any criticism related to this issue. Freedom House in 1983 rated St. Kitts and Nevis "free"; Amnesty International did not have a section on the country in its 1984 report.

### ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The economy is emerging from a period of decline. Beginning in 1981, with the worldwide recession coupled with falling sugar prices, the economy of the country stagnated and total revenues needed for capital development projects fell by 13 percent. The gross domestic product [GDP] was estimated at $45 million in 1983 or approximately $920 per capita.

The Government has developed a program of economic diversification to increase earnings in tourism, manufacturing, and agricultural production other than sugar. The sugar industry remains the single most important revenue producer in the economy. It accounted for 17 percent of the GDP in 1983.

The population, estimated at 44,000, has one of the lowest growth rates in the area, averaging 0.3 in 1984. The birth rate is 29 per thousand; while infant mortality rate remains high at 41.3 per thousand live births.

The role of women is not restricted by law and it was boosted in the June 1984 election in which Constance Mitcham won a seat in Parliament, defeating the leader of the opposition. Ms. Mitcham was then named Minister of Women's Affairs.

## ST. LUCIA

St. Lucia, a member of the British Commonwealth, has a multi-party parliamentary democracy which is the legacy of pre-1979 rule by the United Kingdom. The Prime Minister, John Compton, was democratically elected in May 1982.

Although the country's first two years as an independent nation were marked by political disruption, throughout this period constitutional processes prevailed. Prime Minister Compton's steady emphasis on promoting economic development has increased political stability in the last two years and a half, but potential instability remains, due to the country's still fragile economy and the large number of unemployed youth.

The only security force in the country is the police. Its Special Service Unit is specifically trained for national defense. A coast guard is being developed. The force is small but is imbued with traditions of integrity, professionalism and respect for human rights.

St. Lucia continues to have an excellent human rights record.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

There have been no reports in 1984 of killing for political motives.

#### b. Disappearance

There have been no reports of disappearances in 1984.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There have been no reports of torture or cruel, inhuman, or degrading treatment or punishment in 1984.

#### d. Arbitrary Arrest, Detention, or Exile

The St. Lucian Government abides by the Constitution, which prohibits arbitrary arrest or imprisonment and provides that anyone arrested shall be brought before a court within 72 hours. There have been no reports of arbitrary arrests or other forms of detention or forced exile in 1984.

#### e. Denial of Fair Public Trial

The Constitution provides for public trials before an independent and impartial court. Accused persons are presumed innocent until proven guilty. The Constitution also guarantees the provision of legal counsel. St. Lucia's appeals court is the regional West Indies Court of Appeal, which is known for its impartiality.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitutional prohibitions against arbitrary search and entry are observed by the authorities. There are no reports of arbitrary intrusion of the State into the private life of the individual.

## ST. LUCIA

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The Constitution guarantees these freedoms, and they are respected in practice. St. Lucia has two party-supported newspapers which present various shades of opinion. There are privately owned radio and television stations as well as the Government-owned Radio St. Lucia. There is no censorship of the media.

### b. Freedom of Peaceful Assembly and Association

In St. Lucia's pluralistic society there are no restrictions on public meetings. Opposition groups organize freely. Workers have the right to form trade unions, to elect their officers, to conduct union activities free of government intervention, and to engage in collective bargaining. The right to strike exists in the private sector if Government-sponsored efforts to resolve disputes fail. Trade unions represent the majority of wage and salary earners and historically have played a prominent role in the economic and political life of the nation.

### c. Freedom of Religion

There is no religious discrimination in St. Lucia. The majority of the population is Roman Catholic.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

These rights are guaranteed in the Constitution and are generally honored in practice. The Government restricted the travel of sixteen St. Lucian citizens who had planned to travel to Libya in 1983. The Government said that they were going to receive terrorist training and invoked national security as the basis for the revocation of their passports. In fact their freedom to travel anywhere outside the country has been withheld for the present. Debate on this issue continues in the opposition press.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

St. Lucia has a freely elected parliamentary system of government in which citizens have a genuine choice of parties, policies, and officials. Its political system continues to be vigorous. Opposition parties play an active role in and out of Parliament, where they have 3 of 17 seats. Parliamentary elections were last held in 1982 and by law must be held again before May 1987.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

There have been no reports on St. Lucia by international human rights bodies or any requests for investigations into human rights violations. The major domestic organization that follows human rights developments is the multi-denominational St. Lucia Christian Council. Freedom House in 1984 rated St. Lucia "free." The 1984 report of Amnesty International did not cover St. Lucia.

## ST. LUCIA

### ECONOMIC, SOCIAL, AND CULTURAL SITUATION

St. Lucia, an island of 238 square miles, has a population of 120,000, half of which is under 25 years of age. The 1984 population growth rate was 1.1 percent. There is a high emigration rate.

The country relies heavily on banana exports and subsistence agriculture. Bananas account for about 60 percent of the country's export earnings.

St. Lucia's estimated per capita Gross Domestic Product [GDP] is $926 per year. Over the past six years, St. Lucia has channeled more than 20 percent of its total recurrent expenditures into education, in an effort to expand secondary schooling. School attendance is compulsory between the ages of 5 and 15. Elementary school enrollment includes 95 percent of those eligible; however, shortages of facilities and classroom space severely limit secondary school enrollment.

The national insurance scheme provides for an increase in medical care; in-patient care at the general hospital is free of charge. Ninety-seven percent of the population has access to health care centers within three miles of their residence.

The infant mortality rate is 21.4 per thousand live births. Life expectancy at birth is approximately 72 years. One-hundred percent of the population has access to safe water. The literacy rate is estimated to be over 75 percent.

There are no restrictions on the role of women on St. Lucia. Women are well-represented in government and the professions, although the more traditional household role is the predominant one for females. The importance of women in other sectors of society is expected to increase as women take advantage of public schooling and other government programs which are administered non-discriminatorily.

## ST. VINCENT AND THE GRENADINES

St. Vincent and the Grenadines retains the multi-party parliamentary system of government which it inherited when it became independent from the United Kingdom in 1979. Democratic traditions and respect for the rights of the individual have continued since then. On July 25, 1984, the ruling St. Vincent Labor Party of Prime Minister Milton Cato was defeated by the New Democratic Party led by James F. Mitchell, who assumed office.

St. Vincent is a poor country with a very young population, half of which is under 15 years of age. Unemployment, especially among the young, is a serious problem. The economy of St. Vincent remained sluggish in 1984 mainly because of a slow recovery from the world-wide recession and exchange rate reductions which affected the vital banana industry.

Although the Royal St. Vincent Police are the only security force in the country, a special service unit has been established within the police. In addition, a marine wing has been created under police command, although some members of the wing are not from the police force. The force maintains British traditions of professionalism which place a high value on respect for human rights.

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

There were no reports of political killing in 1984

#### b. Disappearance

There were no reports of disappearances in 1984.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There were no reports of torture or cruel, inhuman, or degrading treatment or punishment in 1984.

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution provides for legal representation of the detained and for periodic review of their cases. The Government assiduously follows these provisions. There were no reports of arbitrary arrests, other forms of detention, or summary exile in 1984.

#### e. Denial of Fair Public Trial

The Constitution provides for public trials before an independent and impartial court, a presumption of innocence, and right to legal counsel. Appeals can be made ultimately to the British Privy Council.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There have been no reports of the arbitrary intrusion of the state into the private life of the individual. The Constitution prohibits arbitrary entry and search, and this prohibition is honored by the authorities.

# ST. VINCENT AND THE GRENADINES

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The Constitution guarantees freedom of speech and of the press, and the Government respects these rights. There is no censorship or interference in the operation of newspapers, which may openly and freely criticize the Government.

### b. Freedom of Peaceful Assembly and Association

The freedom to assemble peaceably is respected in practice. Public meetings and demonstrations opposing the Government took place during 1984. The Government has adhered to the International Labor Organization's Convention on Freedom of Association. Unions enjoy the right of collective bargaining. They represent approximately 7,000 workers, or slightly more than 10 percent of the labor force.

### c. Freedom of Religion

All religions are free to practice and proselytize in St. Vincent and the Grenadines.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

These rights are guaranteed in law and honored in practice.

## Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

St. Vincent has a freely elected parliamentary system of government in which citizens have a genuine choice of parties. In the 1984 general elections the New Democratic Party enjoyed an overwhelming electoral victory by winning nine of the thirteen seats in Parliament and gaining control of the office of Prime Minister. Another general election must occur by 1989.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

There are no branches of international human rights organizations in St. Vincent. There is no local body which publicly monitors human rights violations, although opposition political groups occasionally comment on human rights practices. The Government is responsive to public and private inquiries on its human rights practices. Amnesty International did not report on St. Vincent and the Grenadines in 1984; Freedom House listed the country as "free".

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

St. Vincent and the Grenadines with a population of 101,000 inhabitants is a small, poor country with a moderately growing population (1.4 percent growth in 1984). Per capita GNP in 1982 was estimated at $616. The country relies heavily on its ailing agriculture sector; bananas are the principal export crop.

## ST. VINCENT AND THE GRENADINES

The new Mitchell Government has identified an international airport, assistance to the outlying Grenadine islands, and tourist development as essential to economic progress. Growth of the economy also depends on the inflow of external public assistance.

The Government emphasizes education in its development policies. It has a ten-year compulsory education system. The adult literacy rate is about 95.6 percent.

The provision of health care is seriously hampered by a shortage of funds, facilities, and personnel. The improvement of physical facilities has occurred, but many trained personnel migrate each year because of low wages. St. Vincent has a rather high infant mortality rate of 51 per thousand live births. There is an ongoing family planning program.

The role of women in society is not restricted legally, although most women still center their lives around the home. Women are expected to take a greater part in other sectors of society in the future as they take greater advantage of public education programs, health facilities, and family planning.

## SURINAME

Following independence from the Netherlands in 1975, Suriname functioned as a parliamentary democracy until February 25, 1980, when the elected government was overthrown by a military coup.

On August 13, 1980, Suriname's Parliament was dismissed and its Constitution suspended. Since the coup, absolute political power has been exercised or delegated by Leader of the Revolution and Commander of the Armed Forces, Lieutenant Colonel Desire D. Bouterse.

In December 1984, Prime Minister Wim Udenhout announced plans for new governmental structures which call for establishment of an interim National Assembly composed of representatives selected from various social and economic sectors. The National Assembly is to have legislative powers and is charged with drafting a constitution, defining the future role of political parties, and providing the mechanism for installation of a democratic government. The interim government is also to include an "executive" cabinet and is expected to complete its tasks within twenty seven months. The military will probably fill a large number of seats in this temporary cabinet and national assembly with members of the Government's February 25 Movement.

The highest judicial body in Suriname is the Court of Justice, members of which are appointed by the President (a largely ceremonial position) on the advice of the Government. The Court's effectiveness as a mechanism to protect human rights has been undermined by the military authority in the sense that individuals have been detained for questioning without warrants by the military police; they were held incommunicado; and, in some cases, they are subsequently released without being formally charged with having committed a crime.

In February 1984, the Government decreed a revision in Suriname's criminal code. Some of the more significant changes involved increased penalties for crimes against the State. The following examples from the revised code were reported in the press: "Attacks against the Highest Military Authority or Head of State are punishable by imprisonment for 10-20 years or life; threats or use of violence to break up government sponsored meetings can result in a prison sentence of 10-20 years; and the rendering of assistance to foreigners who engage in anti-state activities will be punishable by a 10-20 year jail sentence, with such assistance defined to include assisting in the import of items to be used against the State." Formerly such crimes stipulated a maximum penalty of five years imprisonment or a monetary fine.

Security forces consist of the armed forces, the civil police, the People's Militia, and the Youth Militia. Of the armed forces, the military police are most actively involved in investigating perceived internal security threats.

"Anti-intervention Committees" were formed in early 1983, in an attempt to organize the population against possible external intervention. More specifically these committees and other "revolutionary mass organizations" were to mobilize the people to "defend the revolution" against its internal as well as external "imperialist and neo-colonialist" enemies and to induce citizens to support social and economic goals as defined by Lt. Col. Bouterse.

## SURINAME

In November 1983, the military Government announced formation of the February 25 Movement, which is to perform many of the functions of the other "revolutionary mass organizations." The regime intends for the Movement to become its popular political base, despite the fact that political parties are banned. In 1984, cells of the Movement were being established in government ministries.

Suriname continues to have a predominantly free market economy, but growing state control or influence has been exerted through regulation. Government control of increasingly scarce foreign exchange contributes significantly to the regime's leverage over the private business sector.

Surinamers still do not possess all of the human rights which they enjoyed before the imposition of military rule. Freedoms of assembly, of speech, and of the press have been curtailed. There are no political mechanisms to allow citizens a direct voice in how the Government is conducted or constituted. Laws have beem promulgated by decree. There has been periodic, arbitrary invasion of the home.

For the most part, Surinamers have been intimidated by the regime. The people have not forgotten the events of December 9, 1982, when 15 prominent opposition leaders (all but one of whom were civilians) were killed while in government custody. Activities by the military police, whose growing power was demonstrated by a continuous intrusion into areas formerly reserved to the civilian police during 1984, further intimidate the general population.

Nonetheless, certain rights are respected by the military Government. Trade union and business organizations, service clubs and fraternal orders carry out their normal functions. There is complete freedom of religion with no attempt to restrict religious practices. Racial, ethnic, and sexual discrimination against individuals is not condoned. Surinamers are free to travel within and outside of their country, although foreign currency regulations hamper travel outside of Suriname.

On balance, 1984 was a year of modestly progressive trends in the Government's respect for human rights. The military demonstrated growing responsiveness to international criticism of its human rights shortcomings. As a result of a relaxation of restrictions on the media in May, there was a somewhat freer and enlarged private radio and press. In August, the nightly curfew which had been in effect since December 1982 was lifted. That same month, the military authority announced its intention to establish a national human rights commission which could investigate allegations of abuse and designated Acting President Ramdat-Misier to head the commission. As a result, there was growing willingness of private citizens to appeal successfully to the Acting President for release of private citizens detained without judicial review. Finally, in December, the Government decreed creation of the National Institute of Human Rights to be formed in January 1985. The Institute was to be established in accordance with United Nations General Assembly Resolution 38/123 of December 16, 1983.

# SURINAME

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for Integrity of the Person, Including Freedom from:

### a. Political Killing

The only known death with political overtones was that of a military policeman who had detained a well-connected businessman for attempting to take 104,000 dollars out of the country at the international airport at Zanderij. The businessman is said to have told the military policeman that he was acting for friends highly placed in the military, and to have given some names. The businessman was released almost immediately. The military policeman was transferred to another post where a few days later, he was beaten severely by other military police and left in the sun where he died.

### b. Disappearance

There is no firm evidence that the Government has sponsored abductions or kidnappings by governmental or nongovernmental forces, aside from arrests by the military police as discussed in section d below.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Beatings and cruel treatment occured in 1984 at the prison at Fort Zeelandia according to reports on which the Government has made no comment. One reliable report concerned a storeowner who was arrested at his home without a warrant by military police and was detained for four days at Fort Zeelandia. He was beaten about the body and suffered damage to an ear. While in detention he was denied sleep and water.

Another person, who was detained in solitary confinement for twenty-eight days, had to sleep on a stone floor, had only a bucket for personal hygiene, and was given little to eat or drink. Further unsubstantiated reports indicate that these conditions of incarceration at Fort Zeelandia are not unusual.

### d. Arbitrary Arrest, Detention or Exile

During 1984 several persons were arrested arbitrarily by the military police and taken to Fort Zeelandia; in one of the cases mentioned under section c, the detained individual was questioned about things he had said, which had been reported to the military by an informer. When he protested that he had not violated any law, his interrogator reportedly replied that the military could arrest whom it wished.

Another person was detained for some weeks in solitary confinement in a small cell at Fort Zeelandia. For the first two days he was interrogated without stop. He was never accused, formally or informally, or told why he had been incarcerated, or, ultimately, released.

Two foreign citizens were arrested and held for six months in Fort Zeelandia. After pressure for an explanation or charge, the two were accused of having engaged in activities against the State. The charge was forwarded to the public prosecutor, who requested that authorities provide more detailed information. When none was forthcoming, the public prosecutor advised that they should be released, and they were.

Information involving the arbitrary arrest and detention of foreigners is more readily available since such cases become known through the international community, and those arrested are less reluctant to speak of their experiences, knowing they are leaving the country.

The most usually cited figure of persons detained at any one time by the military police is under ten. The civil police do not make politically-motivated arrests so far as is known. Those arrested by the military police were generally arrested surreptitiously, and always without warrants. They were rarely formally charged with any crime. The military authority usually did not admit that they were in detention, and they did not have access to an attorney or to a court or other tribunal. There are no legal protections for those arrested by the military police. The army alone decides whether, when and whom to release to civil authorities.

### e. Denial of Fair Public Trial

The civil court system is able to provide fair public trials when the accused are turned over to civil authorities. However, it is much more common for people to be detained by the military police and then released without being formally charged.

In November 1983, eleven Surinamers were reportedly arrested by the military police in connection with arson and an alleged plot. Three of them were later interrogated on television by a military police officer and accused of having engaged in destabilizing activities and sending mercenaries into Suriname. Subsequently, some of the detainees were released and others were turned over to the civil authorities. Four were tried in June 1984. Three were found guilty of arson and sentenced to from one year to four and a half years imprisonment. A fourth person was found not guilty and released.

In August 1984, two military officers were sworn in as members of the civilian Court of Justice to assist strictly in cases of appeals from the military judge. To date, they have handled no cases at the Court of Justice, and it is not yet possible to determine what effect, if any, military officers will have on the Court.

### f. Arbitrary Interference with Privacy, Family, Home or Correspondence

Military police have been known to enter homes without a warrant to conduct searches. The People's Militia, the "Anti-intervention Committies" and the February 25 Movement are organizations which have the potential to monitor what people say and to act as informers to the authorities. However, the People's Militia and the Youth Militia, once so visible on guard at various government buildings and other sites, virtually disappeared from sight by year's end. There are no known cases of persons having been forced to join or to actively support any of these organizations, though benefits do accrue to those who do.

## SURINAME

### Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Freedoms of speech and press, dramatically abridged after December 1982, have been somewhat less tightly controlled by the military during 1984. The climate of fear which resulted from the deaths of December 1982 continues, albeit reduced in intensity. The rumors of arrest and detention in Fort Zeelandia maintain a repressive atmosphere, which generally tends to inhibit free expression of opinions.

Suriname does not have a completely free press. In May 1984, suppression of the news media was eased somewhat. One newspaper was allowed to resume publication, in addition to the one which had not been closed. Two radio stations were allowed to broadcast, in addition to the state-run public station. Easing of censorship required acceptance by the news media of Government guidelines which generally restricted the nature and manner of treatment of media coverage. At times, the media were given specific instructions. In August, for example, they were told not to continue reporting details of the struggle for leftist control of the university. The Government owned and controlled television station also follows these guidelines, which cover internal and external political events, economic and financial questions, and, indeed, any field which may conceivably affect the "security" of the regime. During most of the year, media criticism of the Government was pointedly discouraged. However, toward the end of 1984, the Prime Minister encouraged "constructive" media criticism of his Government's policies. Several critical newspaper articles were published and there were no reprisals by the Government other than non-publicized expressions of displeasure to responsible parties.

In order to hear completely uncensored news about Suriname and the rest of the world, many Surinamers listen to shortwave broadcasts of the Radio Netherlands World Service, the BBC or the Voice of America. Because of the lack of foreign exchange, foreign newspapers and news magazines are not widely available within the country, though some sports, news and home magazines are still imported in limited quantities.

### b. Freedom of Peaceful Assembly and Association

People may assemble freely for social purposes. Religious associations, clubs, and fraternal societies operate without restrictions. Political assemblies which do not support the military and the Government are not allowed and have not taken place. Pre-coup political parties are officially banned. Within the strictly labor-management sphere of trade union activity, labor organizations are usually free to operate without Government interference. Organizing, union elections, negotiations and strikes normally take place freely. However, the Government interjected itself in strikes at both multinational bauxite companies and several other firms in 1984. Serving as members of a tripatite "social partnership" with the military, union and business associations have participated in government in an advisory capacity to the military authority. Unions may affiliate with international bodies as they see fit. Several union federations maintain these affiliations.

### c. Freedom of Religion

Freedom of religion is not infringed in any way. No one religion is favored above any other. Articles and programs sponsored by religious groups appear in the newspapers and on radio and television. In addition, weekly publications by religious groups are not censored despite the fact that they include articles concerning human rights issues. In late 1984 a church leader was cautioned against increasingly explicit criticism of the Government in church weeklies, but the Government took no punitive actions, and low-key church criticism of the Government did not stop.

### d. Freedom of Movement within the Country, Foreign Travel, Emigration and Repatriation

Surinamers are not restricted from traveling within the country, changing jobs, or moving residences. In August 1984, the Government lifted the nightly curfew it had imposed in December 1982. Travel outside the country is restricted by the decree that residents may take only 625 guilders ($353) in currency with them per year. If Surinamers are bound for destinations other than Suriname Airways' terminal points, they must apply for foreign exchange with which to purchase onward tickets on arrival abroad. These restrictions result from a shortage of foreign exchange and not for political reasons.

Surinamers continue to emigrate without interference. The Government does not prevent persons from returning to Suriname after long residence abroad. However, those Surinamers abroad whom the Government has characterized as "mercenaries," "traitors," and "threats to national security" (these include former President Chin a Sen and others supporting the opposition leaders who were executed in December 1982) fear for their safety and might well be arrested and sentenced to prison terms if they were to return without advance Government assurances.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Surinamers are currently denied the right to change their Government by democratic means. Power rests in the hands of the military, specifically Army Commander Lt. Col. Bouterse and his closest advisers. There have been no political elections since the military coup of February 1980. Political organization is limited to supporters of the military authority through officially sanctioned organizations, such as the February 25 Movement and the "Anti-intervention Committees."

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

In 1984, no independent domestic organizations focused on human rights. In their journals and from the pulpits, the churches indicated increasing but restrained concern over human rights violations. In August, Army Chief of Staff Ivan Graanoogst announced that the Government would establish a Human Rights Commission, to be chaired by the Acting President and former Chief Judge, Fred Ramdat-Misier. In December, the Government announced its intention to establish a National Institute of Human Rights in January 1985. Among other things, the Institute is to regulate and maintain respect for fundamental rights, to investigate complaints brought to its attention, to ensure that Suriname law is brought into compliance with international human rights obligations, and to provide information and support to commissions and groups of people who wish to be informed about fundamental rights and duties of man.

The Government has allowed international and non-governmental investigations of human rights in Suriname. However, to a lesser extent than in 1983, the Government attempted to control the activities of visiting investigative teams, to limit public knowledge of critical reports, and to exploit one-sidedly any investigation or report which contains positive comments.

A visit by Special Rapporteur Amos Wako of the U.N. Human Rights Commission took place in July 1984. Mr. Wako had come to investigate the December 1982 deaths. His visit was widely covered in the local media, and he was allowed access to those people with whom he wished to speak. The interviewees were circumspect in what they said. A business leader, for example, advised associates "to say only positive things about the country." The Government's attitude towards Mr. Wako cooled noticeably following his announcement that he would travel to the Netherlands to interview relatives of the people who died in December 1982. Mr. Wako's report has not yet been released.

A 1984 report by Amnesty International entitled, "Torture in the Eighties" noted in regard to Suriname that there had been frequent reports of torture or ill-treatment of persons detained by the military. The report stated that the alleged torture included severe beatings, threats, deprivation of sleep, food and drink, and even in some cases mutilation. In its regular annual Amnesty International Report 1984, that organization continued to call for an impartial inquiry into the extrajudicial executions of civilian and military opposition leaders which occured in December 1982, and concern was also expressed about the continuing incommunicado detentions of alleged opponents of the Government without charge or trial and ill-treatment of detainees.

The Freedom House report, "Freedom in the World 1983-1984" noted that Suriname is ruled by a military council without legitimization by elections or other means. The report commented that the press is under strong pressure, that political organization and assembly are forbidden, that prisoners of conscience are detained and treated brutally and that houses are searched at will. The report commented that courts and unions retain some independence and that business groups continue to publicly express opposition to economic policy in face of state attempts to increase its control over industry.

The "Report of the Inter-American Commission on Human Rights on the Situation of Human Rights in Suriname" of October 12, 1983, concluded that serious violations of important human rights as specified in the Declaration of the Rights and Duties of Man have occurred. Concern was also expressed about conditions at the University, where the Commission found that the authorities have intervened in such a way as to result in an increasing politicization.

In response to a complaint filed by the International Confederation of Free Trade Unions and the World Confederation of Labor, the ILO Committee on Freedom of Association examined events leading up to and occurring in December 1982. In its

November 1983 report, the Committee noted that, in February 1983, a climate of violence was a serious impediment to the exercise of trade union rights.

In its conclusions, the Committee deplored the arrests and condemned in the strongest terms the deaths of December 1982. The Committee noted that no independent judicial investigation has been held on the deaths and wrote that only in a climate where the rule of law is respected can human rights, including trade union rights, be exercised normally.

These conclusions were similar to those of the International Committee of Jurists in its 1983 report, which noted that the common element uniting the human rights problems in Suriname was the fact that the authorities, and particularly the military authorities, were not subject in their acts to the rule of law.

The Suriname Government is not itself actively involved in international or regional human rights bodies dealing with violations in other countries. It is passive, except when the Government itself stands accused, at which time it may deny the charges and point to an alleged threat from "foreign mercenaries" which make necessary extraordinary measures.

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Suriname's import-oriented economy continued to suffer in 1984. Depressed international market prices for bauxite and its derivatives adversely impacted on the country's ability to earn foreign exchange. The resulting shortage of foreign exchange further reduced the standard of living and damaged the viability of the private business sector. Faced with higher overhead costs and a slack domestic economy, several firms went out of business and others are likely to follow if trade unions continue to press for increased wages and benefits. Overall unemployment is estimated to be 20 percent despite the Government's employment of 42 percent of the labor force. During the year, the Government failed to address the causes of its financial problems.

Suriname has an estimated population of 370,000, and its population growth rate, according to World Bank data for 1984 is 1.8 percent per annum. However, the Inter-American Development Bank's planning bureau estimated the growth rate in 1982 at 3.1 percent per annum. Per capita Gross National Product (GNP), according to World Bank data, was $3,189.00 in 1982. It was lower in 1984. Life expectancy at birth is 66.74 years, the infant mortality rate is 21.20 per 1,000 live births, and adult literacy is 65 percent. The adjusted primary school enrollment ratio in 1978 was 119.65. In 1977 the caloric supply as a percentage of requirements was 123.35.

Women have equal access to education and employment, although social pressures and customs still inhibit women from fully exercising these rights. Racial and sexual discrimination are prohibited; however the consciousness of ethnicity remains strong among all groups. Women hold positions in various government ministries.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: SURINAME

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 0.5 | 0.1 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.5 | 0.1 | 0.0 |
| A.AID .................. | 0.5 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.5 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.)... | 0.5 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.0 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.1 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.1 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.1 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 0.5 | 0.1 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.5 | 0.1 | 0.0 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 0.4 | 0.7 | 0.0 | 59.2 |
| IBRD | 0.0 | 0.0 | 0.0 | 0.0 |
| IFC | 0.0 | 0.0 | 0.0 | 0.0 |
| IDA | 0.0 | 0.0 | 0.0 | 0.0 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 0.4 | 0.7 | 0.0 | 10.7 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 0.7 |
| EEC | 0.0 | 0.0 | 0.0 | 47.8 |

## TRINIDAD AND TOBAGO

Trinidad and Tobago has a population of about 1.2 million inhabitants, of whom 41 percent each are blacks and East Indians. It has the third highest per capita income in the Western Hemisphere, and social indicators such as longevity and infant mortality are closer to those of the first world than those of the third world with which the Government of Trinidad and Tobago identifies itself politically. The economy is mixed, with a high level of government control, but also a well-entrenched right to hold private property and pursue private interests.

Politically, Trindad and Tobago is a Republic with a British-style parliamentary system of government. The People's National Movement (PNM), traditionally backed by blacks and some East Indians, has governed the country since 1956. This party has won a number of general elections since that year, but there have almost always been opposition parties contesting the elections. The opposition currently controls six of seven county councils as well as the House of Assembly on the sister island of Tobago.

There were no substantial changes in 1984 in Trinidad and Tobago's generally good record in human rights.

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

There were no politically motivated killings in 1984.

#### b. Disappearance

There were no reports of disappearance.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution forbids such treatment or punishment, and the law renders inadmissible in court any evidence obtained by such means. There are occasional reports in the media and charges in the courts that police have mistreated persons under arrest. The law permits victims to sue for damages in case of mistreatment. A government-appointed commission has recommended measures to upgrade the qualifications of police officers and to improve procedures for citizen complaints of unlawful police behavior.

#### d. Arbitrary Arrest, Detention, or Exile

Any individual who is arrested may apply for a writ of habeas corpus. The police usually charge a suspect within 48 hours of arrest, but can obtain a court order to hold a person longer in order to get further evidence.In 1984 a court ordered compensation of a number of persons who had been detained in 1970 for security reasons during a turbulent period but before a state of emergency had been invoked. Although accused persons may generally be freed on bail pending trial, persons accused of murder are ineligible for bail under current procedures. A number of persons accused of murder have been in prison for several years awaiting trial.

## TRINIDAD AND TOBAGO

### e. Denial of Fair Public Trial

In law and in practice, accused persons are accorded a fair and public trial by an independent judiciary, from which appeals may be made to the Court of Appeals and to the Privy Council in London. The judiciary and legal system are understaffed and overworked, and there have been long delays in bringing some accused persons to trial. There are no political prisoners.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution and laws prohibit such arbitrary interference, and these prohibitions are generally respected in practice. There is a dispute over whether the State has the right to remove commercial or residential structures on public lands, but such issues are settled by the courts.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The constitutional right of freedom of expression is protected and enhanced by the independent judiciary, by the country's democratic and pluralistic system, and by privately owned print media. Government-owned Trinidad and Tobago Television (TTT) enjoys a monopoly on local television transmission, and its coverage tends to support the Government.

In January 1983 the Director of TTT was fired. The press reported that one reason for his dismissal was his refusal to fire a reporter who was thought to be opposed to the ruling party. But since then, under the new Director, there has been an improvement in the objectivity and comprehensiveness of TTT's news coverage.

The Government has failed to act on a long-standing application of a number of businessmen to launch a private television station. The Government has also taken no action on a private application to launch a radio station which was submitted several years ago. The applicant in this case has taken the Government to court. Of the two radio stations currently in operation, one is government-owned and the other is private but government-licensed. The private station's license has expired, and the Government is taking no action to renew it. Both radio stations are cautious about broadcasting calypso songs which are harshly critical of the Government.

### b. Freedom of Peaceful Assembly and Association

These freedoms are protected by law and are respected in practice. Permits for street meetings, marches, or other demonstrations are required in advance but are normally granted even to critics of the Government.

The right of workers to organize and bargain collectively is protected by law, and about 30 percent of the work force is organized into trade unions. The Ministry of Labor acts as an impartial conciliator in collective bargaining impasses. Unions may strike and employers may respond with a lock-out if the Ministry is unsuccessful in resolving the labor dispute and so certifies the dispute to the Industrial Court. The Industrial Court is empowered to impose a binding settlement on the parties. In 1984, union leaders complained that the

Ministry and the Court in effect supported the employers in pursuit of the Government's policy of wage restraint. Unions and professional associations maintain relations with international bodies.

### c. Freedom of Religion

The right to practice one's religion is guaranteed by the Constitution and respected in practice. There is no state religion. Missionaries and clergy are generally permitted to enter Trinidad and Tobago to proselytize or to serve their co-religionists. Adherents of both the Hindu and Muslim faith occasionally claim that the Government has discriminated in favor of missionaries sponsored by the other. There is no religious test for public office.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

This freedom is fully respected. Many thousands of citizens have emigrated, particularly to the United States, Canada, and the United Kingdom, in search of better economic opportunities, and many thousands from Caribbean Commonwealth countries such as Grenada, St. Vincent, St. Lucia, and Guyana have immigrated to Trinidad and Tobago for the same reason.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The people of Trinidad and Tobago choose their government by electing a House of Representatives in multi-party elections held at least every five years. The leader of the party which wins a majority of seats is appointed Prime Minister by the President, and then forms a government. The individual able to get the support of the majority of members of parliament not supporting the Government is named leader of the opposition. The leader of the opposition has the right to be consulted by the President on appointments, including those to the Elections and Boundaries Commission which draws constituency boundaries and conducts elections. There are credible opposition allegations that the nominally independent Commission has actually supported the PNM in the past by gerrymandering constituencies in its favor. The PNM has won all elections since 1956, but its victories can be principally attributed to its political skills and to divisions among the opposition. The Constitution permits Commonwealth citizens who are legal residents and 18 years of age and older to vote. The Government has in the past obtained electoral support from Commonwealth Caribbean citizens who have immigrated and become legal residents of Trinidad and Tobago. The PNM has historically obtained support from lower-middle and working-class blacks and Christian and Muslim East Indians. The opposition has drawn support from rural Hindus, Tobagonians, and middle and upper-class people of various ethnic groups.

In the recent Tobago House of Assembly elections, the opposition Democratic Action Congress won 11 of the 12 seats.

## TRINIDAD AND TOBAGO

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

Trinidad and Tobago has not been the subject of international human rights investigations. In addition to the judiciary, where claims of human rights violations are actionable, there is an Ombudsman who can investigate alleged violations of citizens' rights in the application of a law or policy and report the findings to Parliament. Trinidad and Tobago has a local bureau of human rights issues, as well as a local branch of Amnesty International. In its 1983 report, Freedom House rated the country "free." Amnesty International Report 1984 did not comment on Trinidad and Tobago.

### ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Because of its oil revenues, in the past decade Trinidad and Tobago attained a per capita gross national product of $6,919 (1982), highest in the Western Hemisphere after the United States and Canada. The population of 1.2 million inhabitants has a growth rate of 1.5 percent a year; life expectancy at birth is 69.9 years, and infant mortality was 21.5 per thousand live births. Education and literacy are nearly universal. In 1970, adult literacy was 92.2 percent (male 94.7, female 89.7) and in 1977 primary school enrollment was 111.09 percent.

Further indications of the standard of living are the 93 percent of the population with access to safe water in 1975 (urban 79, rural 100), and the 111.6 percent of caloric supply available for consumption relative to nutritional requirements as of 1977.

Women enjoy equality under the law. Many have positions in the Government, civil service, political party leadership, business, and other professions, although their presence in these positions is not in proportion to their numbers in the population. Women currently serve in Parliament and women's groups are quick to speak out on women's rights.

Within the Indian community, signs of the Hindu caste system remain. Blacks believe they are not treated as well as whites and those of mixed blood. Individual Tobagonians enjoy equality of treatment but believe that Tobago itself receives far less development money than Trinidad. These individuals perceive these conditions as limiting social and economic opportunities available to them.

In Trinidad, opposition supporters say that areas which historically have supported the ruling party have more and better roads, telephones, and schools than those backing opposition parties. A government minister drew criticism during a local election campaign when he implied that the Government would deliberately follow such a policy in the future.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: TRINIDAD & TOBAGO

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.AID .................. | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.0 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| OTHER US LOANS.......... | 35.8 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 35.8 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 2.5 | 9.0 | 0.7 | 178.5 |
| IBRD | 0.0 | 0.0 | 0.0 | 119.9 |
| IFC | 0.0 | 0.0 | 0.7 | 3.0 |
| IDA | 0.0 | 0.0 | 0.0 | 0.0 |
| IDB | 0.0 | 0.0 | 0.0 | 18.8 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 2.5 | 1.0 | 0.0 | 18.0 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 0.8 |
| EEC | 0.0 | 8.0 | 0.0 | 18.0 |

# URUGUAY

Uruguay has been ruled since 1973 by a collegiate military government composed of the President, currently a retired army general, and the three service chiefs. Major decisions are made by the military's general officers. Active or retired military officers head many of Uruguay's 19 departments (states) and hold nigh positions in some ministries. However, with the Transition Accord reached on August 3 between political parties and the Armed Forces, general elections successfully realized in November, and a civilian government to be inaugurated on March 1, 1985, Uruguay has begun a process of broad political participation and is returning to its democratic traditions.

Though continuing to suffer a serious recession, Uruguay remains one of the more advanced developing countries. Its economy is largely one of free enterprise capitalism, with the Government regulating monopolies in key sectors and controlling many basic prices. Uruguay has had advanced social welfare programs and limits on the political role of the church since early in this century.

In the late 1960's Uruguay entered a period of economic and political malaise that culminated in the breakdown of social institutions and the appearance of urban terrorism by the Marxist oriented Tupamaros. In 1972, the elected civilian Government enacted a national security law which limited individual liberties and expanded police and military powers. In 1973, differences between the Armed Forces and the Congress over the conduct of the anti-terrorist campaign led to the closure of the legislature and a shift to military rule. From the beginning, however, the Armed Forces declared their intention to restore democratic institutions. In 1980, following rejection in a plebiscite of a government-sponsored draft amending the 1967 Constitution, the Armed Forces established a timetable calling for internal political party elections in 1982, general elections in 1984, and the inauguration of an elected government in March 1985.

This timetable has thus far been adhered to, and the human rights situation in Uruguay improved dramatically in 1984. Although the Government maintained tight control early in the year by closing publications, prohibiting demonstrations, and regulating other activities it considered inimical to the public welfare, the environment gradually improved. Following renewed transition discussions in July between political parties and the Armed Forces, the Government lifted press censorship, revoked institutional acts prohibiting political activities and gatherings, rehabilitated the Socialist and Christian Democratic Parties, and "deproscribed" over 7000 politicians of the Broad Front, a coalition of leftist parties. The Government also restored political rights to active members of the Armed Forces and police which had been suspended since 1976. The Government permitted major demonstrations by labor unions on May 1, and by the political parties during the election campaign.

More than 400 "national security" prisoners were released during the year, the majority freed under the Government's early release program that began in August, with the possibility that more prisoners, except those convicted of violent crimes, would be released prior to March 1, 1985. The

International Committee of the Red Cross (ICRC) made three visits to national security prisoners in 1984 and a third was scheduled in November. The total number of "national security" prisoners dropped from 843 in October 1983, to 369 as of December 31, 1984.

The Government has maintained its ban on the Communist Party and other political groups associated with the Tupamaro violence of the last decade. Liber Seregni, the Broad Front's leader and 1971 presidential candidate, was released from prison in March but was banned from being a political candidate for two years.

Exiled Blanco Party leader Wilson Ferreira Aldunate, and his son, Juan Raul, were arrested upon their return to Uruguay from self-exile on June 16 and charged with crimes based mainly on their actions abroad in opposing the military regime. Juan Raul Ferreira was released in August, and became a successful candidate for the Senate. His father was not released until November 30, after the Supreme Court nullified the two principal charges against him and five days after the election, in which the Blanco Party ran a substitute candidate. Ferreira has resumed leadership of the Blanco Party while free on bail awaiting action on a lesser charge.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

While there is no indication of any government-instigated killings for political reasons in 1984, an Uruguayan physician died as a result of physical abuse while undergoing interrogation in a military unit (See below).

#### b. Disappearance

There were no known cases of disappearances in Uruguay in 1984.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

In April, an Uruguayan physician of Russian descent was arrested for suspected subversive activities and subsequently died while undergoing interrogation in military custody. An autopsy revealed he had suffered massive damage to his internal organs. Following an investigation, the Government relieved two army officers, charging them with responsibility in the doctor's death. Two youths, who were among others arrested in June 1983 on charges of being communist activists, were released this year and reported that they had been tortured during initial interrogation at police intelligence headquarters. The New York Academy of Sciences mission to Uruguay in March 1984 found medical evidence in support of torture allegations during interviews with several prison inmates. Other released prisoners have recounted similar experiences from years past.

Human rights groups and prisoners' relatives have protested what they consider to be unduly harsh conditions in Uruguay's two national security prisons. For example, there were reports of prison personnel, during winter, dousing prisoners in unheated cells with buckets of cold water. An Uruguayan human rights group, the Peace and Justice Service (SERPAJ), issued a medical alert in August charging that health and living conditions in the prisons had deteriorated, and that medical treatment received by ill prisoners was inadequate. According to the Government, although treatment of prisoners is strict, inmates receive the same quality of medical care as is provided to members of the Armed Forces. Human rights groups and political party representatives recommended special consideration be given to freeing seriously ill prisoners under the Government's early release program.

### d. Arbitrary Arrest, Detention, or Exile

Before the August 3 Transition Accord, there were several incidents in which small groups of demonstrators were arrested and then quickly released. In March, a melee occurred at the end of a Carnival parade when youths shouting anti-government slogans threw rocks and bottles at police. Sixty were arrested, then released the next day. A similar scenario occurred on June 3 when police broke up a demonstration in downtown Montevideo, detaining several youths for a few hours. Journalists were also detained for writing articles considered offensive to the Government but were usually released within a few days. Some demonstrators, who entered the Foreign Ministry and City Hall protesting the imprisonment of Blanco Party leader Wilson Ferreira, were arrested or required to report to the local police for an identity check, but all were released without incident. In June, Blanco Party leader Carlos Julio Pereyra was taken into protective custody for a few hours because of an alleged threat against him. Political leaders denounced the action as an attempt to intimidate opposition figures.

Individuals arrested under the civilian penal code are normally brought before a civilian judge within 48 hours and allowed access to a defense attorney at that time. "National security" prisoners, however, are subject to trial under the military justice system, which is closed to public scrutiny. Prisoners can legally be detained for weeks without being charged or allowed access to legal counsel. One prisoner, who completed her sentence in June 1983, was held in a military unit until her release in July 1984. Others, like some of the youths arrested in June 1983, have been released before legal proceedings are completed. In a key provision of the Transition Accord, the Armed Forces and political parties agreed that after the installation of a civilian government in March 1985, military justice will apply to civilians only in a state of war or insurrection.

### e. Denial of Fair Public Trial

Independence of the judiciary was formally restored in 1981, but the full independence of the civilian judiciary has not been reestablished. Under Uruguay's legal tradition, both the civilian and military court systems use written procedures which are usually closed to the public. Juries are not used and the judge makes a decision based on written summaries. The defendant in a civilian or military court may employ a lawyer of his or her own choosing or use a lawyer provided by the Government.

A person accused of subversive activities is subject to trial under the military justice system. Human rights organizations have charged that the system is often arbitrary, and fails to guarantee due process and adequate protection of the defendant. Military tribunals often impose restrictions on the defense attorney's access to the complete case file, limiting the ability to mount an effective defense of the accused.

On December 31, the number of national security prisoners stood at 369, down from 843 in October 1983. Uruguay's highest military judicial body, the Supreme Military Tribunal, will meet in two review sessions before March 1985 to consider for early release the remaining prisoners who are not convicted of violent crimes and have completed over half the sentence against them.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Guarantees of inviolability of the home are respected in non-security cases but are suspended under the interim security measures for persons suspected of terrorism, subversion, or other national security violations. It is widely assumed the authorities tap the telephones of some political leaders and perhaps other persons. The Government, as a rule, does not otherwise interfere with the private lives of its citizens.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

1984 witnessed the end to most restrictions on the information media in Uruguay. Early in the year, the authorities continued past practices of taking punitive, arbitrary actions against news organs that published articles considered to be overly critical of the Government. Journalists were often warned to avoid criticism of the Armed Forces and to avoid references to proscribed politicians. In June, and again in September, several journalists were briefly detained for writing articles referring to the Armed Forces' involvement in torture. The Government's press and public relations office (DINARP), run by military officers, monitored compliance with guidelines that were not made public. Prior to August's Transition Accord, the Government closed nine papers, four permanently, for publishing stories about the Broad Front, the return of Wilson Ferreira, or demonstrations in defiance of the Government's ban. The authorities also closed a television station for three days for broadcasting an interview with a proscribed politician. However, for every paper closed, a new one, sometimes produced by the same staff, arose, focusing on the same issues as before.

Following the signing of the August 3 transition document, the Government revoked its August 1983 decree which prohibited reporting on political activity. This action along with the discontinuance in February of "prior censorship" of political party weeklies, has freed Uruguay's information media to report political developments as they occur. Recently, the growth of publications has been constrained primarily by economic factors. Occasionally the Government has preempted scheduled television programming to broadcast warnings about the resurgence of communist influence, and sometimes it requires the dailies to publish inserts alerting the populace. While many foreign publications circulate freely in Uruguay, issues with articles critical of the Government or the Armed Forces have sometimes been prohibited from entering the country. The Government prohibits sale of books authored by alleged Marxists.

### b. Freedom of Peaceful Assembly and Association

Freedom of assembly and association expanded significantly in 1984, primarily as a consequence of the Transition Accord. The Government rehabilitated the Christian Democratic and Socialist Parties and other noncommunist groups within the Broad Front coalition. Although the Communist Party and political entities associated with the Tupamaro movement remained proscribed, (i.e., unable to field candidates), they regained the right to vote and were otherwise active in the electoral campaign. Early in the year, the Government banned a march commemorating International Women's Day and prohibited all gatherings without a police permit. Since July, however, there have been no restrictions on political gatherings or rallies, and the requirement for the police permit is no longer enforced. As elections approached, many political, social, and student groups gathered peacefully without incident. There were no remaining restrictions on national election campaign rallies. Office seekers appeared at rallies in Montevideo and in the interior, and also in televised debates. In such appearances, candidates were uninhibited in their remarks or criticisms of the Government and its policies. The Government also allowed daily afternoon demonstrations by followers of Blanco leader Wilson Ferreira, who was at that time imprisoned. It briefly detained those participants who caused disorder by entering government buildings.

Uruguayan law permits the formation of unions, federations, and confederations. In practice, the Government generally has allowed only the formation of provisional worker associations which function as unions but are not legally recognized as such. The Interunion Workers Assembly (PIT) successfully organized a general strike in January, the first in Uruguay in more than a decade; a May 1 labor rally; and a nationwide work stoppage on June 27. Though officially banned, the PIT is the dominant labor organization in Uruguay and is actively participating with political, labor, and social groups organizing in preparation for the return to civilian government in 1985. The PIT and several other de facto confederations maintain contacts with international bodies, including the International Labor Organization.

The Uruguayan Government has cooperated with the ILO in drafting and revising legislation governing trade union organizations, indicating a measure of progress in conforming with the Convention on Freedom of Association and Protection of the Right to Organize. However the ILO found in the first half of 1984 that despite partial progress, the practical application of new legislation remained a matter of serious concern, particularly regarding the right of association of public officials, the exercise of the right to strike, the legal recognition of union organizations, and the freeing of detained union leaders. Since the ILO findings in early 1984, there has been considerable improvement in the labor area.

The Cultural and Education Association of Students of Public Education (ASCEEP) has become increasingly active at the university and secondary level as students have started to organize and express themselves politically. In June, the ASCEEP held its first national conference, symbolically linking itself to the outlawed University Student Federation (FEUU) that existed at the National University until the 1973 government takeover. On August 27 the Government ended its eleven-year intervention in the administration of the National University and announced a schedule of elections for student and faculty bodies to oversee the autonomous management of the institution.

The many private, especially professional, associations in Uruguay, operate with few restrictions and generally do not participate in political activity.

### c. Freedom of Religion

Religious freedom is constitutionally guaranteed and respected in Uruguay.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on internal travel, although recently released national security prisoners are required to report to local authorities every 15 days. The Government sometimes delays or denies passports or passport renewals to individuals with radical political affiliations or those suspected of national security offenses. Since March, increasing numbers of Uruguayan expatriates have been returning--with some discovering on arrival that they are on the Government's wanted list, leading to their exclusion or temporary detention. Human rights groups as well as political leaders have urged the Government to publish the wanted list and provide it to Uruguayan embassies and consulates, so that returnees will know what to expect when they come back. Many Broad Front leaders returned after years in exile and actively participated in the electoral campaign. A high percentage of the population, estimated at over ten percent, has emigrated in the last decade, primarily for economic reasons.

## Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

The Armed Forces have governed in Uruguay since 1973. Executive power is vested in the President, a retired General, and in the three service Commanders-in-Chief. An appointed Council of State, or legislative body, participates in decison making; however, its influence is limited. Democratic elections for constitutional government were held November 25, 1984.

Since assuming power, the Armed Forces have declared themselves to be a transitional government. In 1981, they established a timetable for a return to democracy, including internal political party elections in November 1982; a general election in November 1984; and inauguation of an elected government in March 1985. Military spokemen repeatedly have reiterated their commitment to that timetable and so far have adhered to it. In July, the Government "deproscribed" over 7000 Broad Front politicians and rehabilitated the Christian Democratic and Socialist Parties. Together, these parties, plus the Blancos, Colorados, and Civic Union, fielded over 1000 lists of national and local candidates in the general election on November 25. All political parties denounced the Government's treatment of Wilson Ferreira as a political maneuver designed to prevent him from participating in the elections. In turn the Blanco Party refused to participate in transition negotiations with the military in protest over Ferreira's continuing detention in prison. In spite of Blanco Party resistance, Wilson Ferreira withdrew his candidacy for President, and the Blancos nominated a substitute candidate, Alberto Zumaran, who campaigned on a platform calling for new elections without prohibitions on parties or persons.

The Colorado Party's presidential candidate, Julio Sanguinetti, won the election with 41 percent of the vote, with the Blancos winning 35 percent, and the Broad Front 22 percent. While the Communist Party and small or leftist splinter groups were prevented from running candidates for election, their members were allowed to vote. Uruguay does not exclude ethnic minorities or women from electoral participation. Voting is obligatory.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The human rights situation in Uruguay continues to be of concern to various international and non-governmental organizations. In February, the Government received a special representative of the U.N. Secretary-General for a week of confidential discussions on human rights issues. The Government permitted a delegation sponsored by the New York Academy of Sciences to visit selected national security prisoners in March and July, the first non-governmental group to receive such permission in recent years. The International Committee of the Red Cross continued its visits, which resumed in 1983, conducting private interviews with and medical examinations of national security prisoners in March and July. In August senior government officials met with representatives of the Washington Office on Latin America, which later sponsored an observation mission for the elections.

The Government criticizes Amnesty International for being consistently hostile and demonstrating partiality to the extreme left. The authorities are also reluctant to invite groups such as the Inter-American Human Rights Commission to visit, feeling they have already reached negative conclusions. However, few non-governmental investigators are prohibited from entering the country and meeting with private citizens, including opposition leaders.

Local human rights groups include the Peace and Justice Service (SERPAJ), the Uruguayan Human Rights Commission, and human rights committees of the various political parties. In August, the Uruguayan Bar Association announced that a group of distinguished attorneys was willing to handle cases of national security prisoners. SERPAJ, though officially proscribed in August 1983, continues to function, publishing reports urging prisoner releases and improved prison conditions. Local human rights groups joined the media in pressing for an investigation into the details surrounding the death in April of the Uruguayan physician held in military custody. They have had little success, however, in effecting any prisoner releases. Amnesty International in its 1984 report (covering the year 1983) expressed concern about the large number and mistreatment of national security prisoners;

the continuing practice of unacknowledged detention; the administrative detention of prisoners who had completed their sentences; the use of torture; and inhumane prison conditions. The New York Academy of Science reported similar concerns, as well as allegations of the involvement of medical professionals in the use of torture. Freedom House in 1984, rated Uruguay "partly free" but with expected imminent change toward freedom.

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Uruguay's 1983 per capita gross domestic product of U.S. $3,282 was lower than in the previous two years. The incidence of extreme poverty is low, although it has increased over the past year. The vast majority of the population enjoys an adequate diet and at least a minimal standard of living. Uruguay had a population of 2.9 million in 1984 and an annual population growth rate of 0.3 percent. In 1984, life expectancy at birth was 73 years and infant mortality was 27 per 1,000 live births. In 1975, 84 percent of the population had access to safe water. Health care is free to the poor and available at nominal cost to others. The caloric supply available for consumption in 1977 in Uruguary was 104.7 percent of nutritional requirements.

Uruguay had a 94 percent literacy rate in 1975, and virtually all children receive a primary school education. The adjusted primary school enrollment ratio was 123.7 in 1981. Secondary school attendance is relatively high, and university education is free. Male students outnumber females in higher education by a small margin.

Women in Uruguay are accorded equality before the law. They attend the National University and pursue professional careers in large numbers. A woman serves on the Supreme Court of Justice and two women were named as ambassadors in 1984. Though women hold few important positions in the political parties, some ran as Senate and Deputy candidates. The Vice-Presidential candidate of a minority faction of the Blanco Party was a woman. Barriers to equality still exist, however, stemming from traditional social patterns and restricted employment opportunities. Pay is not always equal for women and men, especially for ordinary workers in the private sector.

For half a century, social welfare and wider income distribution were prime objectives of economic policy. Income in the postwar period was as evenly spread in Uruguay as in western Europe. However, output stagnated in the period 1955-74 while inflation soared. After 1974, under new policies and a more favorable international market, the economy grew significantly until 1981. Then, during 1982, the economy shrank 9.7 percent, and declined 4.7 percent in 1983. Although inflation fell to 20 percent in 1982, it rose to 52 percent in 1983 and was expected to top 60 percent in 1984. Unemployment has increased from less than six percent in 1981 to an officially estimated 14 percent currently. The index of real wages is currently about 50 percent below what it was ten years ago.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
## (U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: URUGUAY

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 0.8 | 1.0 | 0.6 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.8 | 1.0 | 0.6 |
| A.AID ................. | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.0 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.8 | 1.0 | 0.6 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.8 | 1.0 | 0.6 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.8 | 1.0 | 0.6 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.1 | 0.1 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.1 | 0.1 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.1 | 0.1 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 0.8 | 1.1 | 0.7 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.8 | 1.1 | 0.7 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 51.3 | 49.1 | 167.8 | 967.5 |
| IBRD | 40.0 | 45.0 | 0.0 | 442.2 |
| IFC | 0.0 | 2.8 | 0.0 | 23.6 |
| IDA | 0.0 | 0.0 | 0.0 | 0.0 |
| IDB | 10.0 | 0.0 | 167.8 | 476.8 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 1.3 | 1.3 | 0.0 | 24.0 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 0.9 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

# VENEZUELA

Venezuela is a republic, with an active democratic multiparty system, energetic information media, strong unions, and an ardent commitment to democracy.

In February 1984 control of the Government was peacefully transferred from the social Christian Copei party to the social democratic Accion Democratica (AD) party, as a result of the December 1983 presidential elections, won by Jaime Lusinchi, Accion Democratica's standard bearer. Municipal council elections also were held in May 1984. Venezuela has now enjoyed 26 years of unbroken civilian rule, Lusinchi's being the sixth democratically-elected administration.

Venezuela has a mixed economy, with a large public sector. The state-owned petroleum industry accounts for some 20 percent of the Gross National Product, more than any other industry. During the last few years, Venezuela has experienced economic problems resulting from a worldwide decrease in the demand for petroleum, a large foreign debt, and high government spending. Social benefits and supportive extended families have somewhat cushioned the impact of unemployment.

Human rights violations, when they occur, tend to be well-publicized and investigated. Venezuela is one of the most active participants in international human rights forums and is noted within the hemisphere as a proponent of civil liberties and democratic rule. The principal focus of human rights debate within Venezuela is on deficiencies in the country's judicial system; delays in the trials of detainees are frequent, and there have been allegations of improper influence in the courts. Inadequate prison conditions have been the subject of recent official reports.

Guerrilla activity has not been a major problem since the late 1960s. Small nuclei of guerrilla activity exist, but they do not constitute a threat to the security situation of the country.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Political Killing

Authorities do not permit or engage in unlawful or arbitrary killing for political motives. There has been evidence, however, of a tendency by the police and security forces to shoot and kill criminal suspects on sight. Although not condoning these occurrences, the authorities have not acted effectively to stop them.

#### b. Disappearance

Police authorities do not abduct, secretly arrest, or hold people in clandestine confinement. The authorities have resorted to the use of checkpoints to induct young men who have evaded obligatory military service. The inductees are at times held incommunicado for a month with no word to family or friends as to their whereabouts or physical condition.

## VENEZUELA

In April 1984 suspected Colombian National Liberation Army (ELN) guerrillas kidnapped a Venezuelan rancher and later released him after 42 days of captivity when his relatives paid a large ransom.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Venezuelan law prohibits the torture of prisoners; this prohibition is respected in practice. Guarantees for the integrity of the individual embodied in the Constitution are enforced.

Laws prohibiting cruel, inhuman, or degrading treatment or punishment are generally respected. Some infractions occur, however, because of excesses on the part of local law enforcement officials or inadequate supervision of prison guards. Prison conditions are spartan, at times very poor; many prisons are seriously overcrowded, discipline is sometimes inadequate, and violence does occur, especially in the more crowded prisons. Those responsible for such violence are not known to be punished. A contributing factor is the low educational level and limited training of many prison guards.

There were several protests by prisoners and their relatives against prison conditions in both civilian and military institutions in 1984. The authorities promised full investigations. The Attorney General's most recent report (1983) highlighted problems within the prison system.

### d. Arbitrary Arrest, Detention, or Exile

Habeas Corpus is a right guaranteed by law and is respected. Arrested persons legally cannot be held more than eight days without formal charges. The limits are frequently exceeded, however, usually because of inefficiencies in the legal system. According to the Attorney General's 1983 report, approximately 75 percent of the 24,000 persons in prison have not yet been brought to trial.

The case of four individuals charged with the bombing of a Cuban airliner and detained since 1976 still has not been resolved. Following a ruling finding the earlier charges defective, the case is now being retried.

The detention of undocumented foreign workers, mainly from Colombia, may have diminished as illegal immigration has declined. Once in police custody, undocumented foreign nationals are frequently held incommunicado for three to six months without trial before being deported.

### e. Denial of Fair Public Trial

Fair trial is guaranteed by law and usually observed in practice. The accused is presumed innocent until guilt is proved beyond a reasonable doubt.

The civilian judiciary is independent of any other authority. In response to the current administration's campaign against corruption, there has been increased public sensitivity to the qualificatons of judges, the quality of their work and their susceptibility to outside influence. The Judicial Council, an independent body responsible for the training, nomination and disciplining of judges, actively investigates allegations of inappropriate conduct, and has taken severe disciplinary action in a number of cases, including the recent dismissal of one senior judge. The administration is aware that further efforts are required.

Civilians charged with armed subversion are tried by military courts.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution and laws provide safeguards against arbitrary interference with privacy, family, home, or correspondence. These safeguards are honored in practice.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Venezuela boasts a free and vigorous daily press, 3 nationwide television networks, a regional television station, about 156 radio stations, and numerous magazines; they are frequently highly critical of the authorities. The Government owns and operates two of the four television networks and two of the radio stations. Venezuela's print media is privately owned. Within the cultural and academic arenas, censorship or interference on political grounds rarely occur.

b. Freedom of Peaceful Assembly and Association

Freedom of peaceful assembly and association is respected. Public meetings, including those of all political parties, are held frequently, without interference. In the interest of public safety, permits are required for protest marches; they are routinely granted.

An object of "special protection" under the Constitution, labor unions are free, independent, and powerful. The right to strike is exercised without official interference. Unions associate with the recognized public and private international bodies in their fields. The Confederacion de Trabajadores de Venezuela, an International Confederation of Free Trade Unions affiliate, dominates organized labor in Venezuela, and has close ties to the ruling AD party. Other confederations occupy a lesser role on the labor scene, including two which are of Christian Democratic orientation and which are affiliated with the Latin American Confederation of Workers and have ties to the World Confederation of Labor.

Professional and academic associations flourish without interference.

c. Freedom of Religion

The population is overwhelmingly Roman Catholic. Most religious groups enjoy freedom of worship and are allowed to proselytize actively. A number of Protestant evangelical groups in remote areas of Venezuela are performing humanitarian as well as missionary work among the local population.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Citizens of Venezuela generally have freedom of movement to travel within the country and abroad and to return. The one exception pertains to travel in the Amazon Region of the country, which requires a special permit for security reasons.

Venezuelans may emigrate without restriction. Citizenship can be renounced. The Constitution provides for the revocation of citizenship for naturalized citizens on limited legal grounds. Recovery of nationality requires a residence period of two years for Venezuelan-born repatriates.

Venezuela has traditionally been a haven for refugees and displaced persons from many European and Latin American countries. As Venezuela does not recognize a "refugee status" for entry, refugees are given normal residence status and once within the country are expelled only for criminal activities. A special "family reunification program" exists for Cuban refugees living in Venezuela.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Government is freely elected by its people. As a multiparty democracy, the political process is open to all; opposition views are freely expressed and persons from the entire political spectrum contend for positions ranging from municipal council seats to the nation's presidency.

Some of the minor parties are outgrowths of former guerrilla organizations, and they currently hold about 7 percent of the seats in the national legislature. Their participation in the political process is encouraged and supported by the two major centrist parties, social Christian and social democrat, reflecting a widespread desire to have radical elements participate in the electoral process rather than engage in armed insurrection.

## Section 4 Governmental Attitude Regarding International and Non-Governmental Investigation of Alleged Violations of Human Rights

Venezuela is a frequent and vocal critic of governments in Latin America and elsewhere that commit or tolerate widespread human rights violations. It similarly supports international human rights organizations. Venezuela accepts the jurisdiction of the Inter-American Human Rights Commission. An Amnesty International office and the Latin American Foundation for Human Rights and Social Development operate freely in Caracas. Venezuela in 1984 was the site of numerous international forums dealing with the issue of human rights. Venezuela is a member of the UN Human Rights Commission.

Amnesty International did not include Venezuela in its 1984 report. Freedom House describes Venezuela as "free."

## VENEZUELA

### ECONOMIC, SOCIAL, AND CULTURAL SITUATION

In 1984 Venezuela continued to experience economic difficulties that required retrenchment of public sector spending and an upward adjustment of prices to reflect real costs. The country continues in economic recession accompanied by unemployment, variously estimated to be between 13 and 25 percent, and an increase in business bankruptcies. There has been a considerable ecrease in general purchasing power. Although the Government has sought to cushion the social effects, the poorest strata of the population live a marginal existence worsened by these adverse economic conditions. Despite austerity, the Government continues efforts to improve education, housing, and public health services for poorer Venezuelans. It has adopted a series of compensatory measures to offset the impact of decreased buying power on poorer workers and is actively seeking to create new jobs and combat inflation.

Restrictions on property rights based on sex, religion or social status do not exist, but there are some restrictons on ownership of business property based on nationality.

Women are increasingly active in all political parties, professions, public administration, and the judiciary. Two women occupy positions in the current cabinet as heads of the education and youth ministries. About a dozen are members of the Chamber of Deputies, including one who is the assistant leader of the AD parliamentary faction and another who is a vice president of a permanent committee. Both major political parties have women members on the national executive committees.

The Constitution prohibits discrimination on the basis of sex, and accords women and children "special protection" in the workplace. Women workers receive extensive maternity leave benefits, and laws limit their amount of involuntary overtime. Women are heavily represented in many of the professions but continue to be underrepresented in the political and economic sectors and differences still exist in wage and employment opportunities. Overall there is a firm trend toward greater equality for women. Recent reforms in Venezuelan laws have been designed to promote greater economic rights for women.

In 1984, the population was 17,279,000 with a growth rate of 3 percent. Life expectancy at birth is 68.5 years and the infant mortality rate is 35.7 per 1,000 live births. The ratio of calorie supply available for consumption relative to nutritional requirements was 102 per cent in 1977. The adjusted primary school enrollment ratio was 102 per cent in 1981 and the adult literacy rate, 77 per cent in 1971.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
## (U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: VENEZUELA

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 0.2 | 0.1 | 0.4 |
| LOANS............. | 0.0 | 0.0 | 0.0 |
| GRANTS............ | 0.2 | 0.1 | 0.4 |
| A.AID ................ | 0.0 | 0.0 | 0.0 |
| LOANS............. | 0.0 | 0.0 | 0.0 |
| GRANTS............ | 0.0 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 0.0 | 0.0 | 0.0 |
| LOANS............. | 0.0 | 0.0 | 0.0 |
| GRANTS............ | 0.0 | 0.0 | 0.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.0 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.2 | 0.1 | 0.4 |
| LOANS............. | 0.0 | 0.0 | 0.0 |
| GRANTS............ | 0.2 | 0.1 | 0.4 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.2 | 0.1 | 0.4 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.1 | 0.0 |
| LOANS............. | 0.0 | 0.0 | 0.0 |
| GRANTS............ | 0.0 | 0.1 | 0.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.1 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 0.2 | 0.2 | 0.4 |
| LOANS............. | 0.0 | 0.0 | 0.0 |
| GRANTS............ | 0.2 | 0.2 | 0.4 |

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| OTHER US LOANS.......... | 26.0 | 12.0 | 0.0 |
| EX-IM BANK LOANS....... | 26.0 | 12.0 | 0.0 |
| ALL OTHER............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 2.0 | 0.4 | 64.3 | 700.0 |
| IBRD | 0.0 | 0.0 | 0.0 | 348.0 |
| IFC | 0.0 | 0.0 | 0.0 | 25.4 |
| IDA | 0.0 | 0.0 | 0.0 | 0.0 |
| IDB | 0.0 | 0.0 | 64.3 | 289.2 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 2.0 | 0.4 | 0.0 | 35.3 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 2.1 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

# EAST ASIA AND THE PACIFIC

## AUSTRALIA

Australia is a multiparty parliamentary democracy operating within a federal system of government. Federal elections were held in December 1984.

Australia has an industrial economy with important mining and agricultural sectors. Most Australians enjoy a high per capita income. Government programs provide economic support for the relatively disadvantaged elements of the population. Individuals are free to hold private property, to pursue their economic interests, and to organize trade unions.

The Australian Government has supported immigration into Australia and has also taken a very large number of refugees in proportion to its population. As a result, the Australian population now has a mixture of European, Middle Eastern, and Asian ethnic groups.

In 1984, the Government established a task force on Federal Human Rights Legislation within the Attorney-General's department. The task force is considering a National Bill of Rights, based on the International Covenant on Civil and Political Rights, to which Australia is a party; changes to the role and enforcement powers of the Australian Human Rights Commission; and substantive changes to the Racial Discrimination Act.

Racial discrimination is prohibited by law. Protection of the rights of Australia's 180,000 Aboriginals is a demonstrated concern of the Government, which recognizes they are the most disadvantaged group in Australia. During 1983-84 the Federal Government provided more than $304 million for Aboriginal advancement programs. Land rights for Aboriginals and protection of Aboriginal sacred sites remain issues of controversy. The Federal Government in 1984 passed interim legislation regarding sacred sites and remains committed to some form of national land rights legislation.

Australia has been in the forefront of those countries promoting human rights both domestically and internationally. Fundamental human rights are guaranteed by law and respected in practice. The Government makes a major effort to investigate reports of discrimination and to implement fully laws protecting the individual. In 1984 a Federal anti-sex discrimination law was passed, implementing Australia's 1983 Ratification of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women.

Internationally, Australia has been active in promoting human rights in the United Nations Human Rights Commission--to which Australia was elected for a three year term beginning January 1985, the United Nations Working Group on Indigenous Populations, and other forums. The Government regularly raises human rights issues in both bilateral and multilateral discussions, and has established a special human rights section in the Department of Foreign Affairs.

Australia has supported Amnesty International's campaign to end torture. The Government has been actively involved in negotiations to conclude an International Convention Against Torture and has contributed to the United Nations Voluntary Fund for the Victims of Torture.

## AUSTRALIA

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

There were no known instances of politically motivated killings in 1984 by either the Government or by domestic opposition groups.

#### b. Disappearance

There have been no reports of politically motivated disappearance.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is neither condoned nor practiced. Australian law prohibits cruel, inhuman, or degrading treatment or punishment, and this prohibition is respected in practice. Abuse of prisoners and use of excessive force by police are not condoned, and there are adequate procedures to deal with offenders. Prison and detention facilities provide adequate shelter, food, and medical care. Prisoners' families and lawyers are allowed freely to visit them.

#### d. Arbitrary Arrest, Detention, or Exile

Australian law prohibits arbitrary arrest and imprisonment and this prohibition is respected in practice. Arrested individuals must be brought before a magistrate without undue delay. Writs of habeas corpus are available to ensure that persons are not arrested without charges being brought against them promptly and to guarantee their right to apply to the courts for release pending trial. Preventive detention is not practiced.

#### e. Denial of Fair Public Trial

Australian law guarantees the right to both a fair hearing and a fair public trial with an unimpeded right of counsel. These guarantees are observed in practice. Public assistance is available for those unable to pay for legal counsel. Defendants must be promptly informed of charges and have pretrial access to evidence against them. Defendants are entitled to call and cross-examine witnesses and are protected against self-incrimination and double jeopardy. Australians are protected by law against ex post facto criminal prosecutions. The Australian judiciary is independent. Judges remain in office until retirement or resignation. Civilians are tried in civil courts and have the right of appeal to higher courts.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Under Australian law and in practice, no search may be conducted without a judicially issued warrant. With authorization from the judiciary, the Australian Federal Police may make use of listening devices in national security and narcotics investigation. Australia is a nation of liberal political traditions and common law, and the Government does not interfere in the private lives of individuals.

## AUSTRALIA

### Section 2 Respect for Civil Rights, Including:

#### a. Freedom of Speech and Press

Freedom of speech and press is guaranteed in law and respected in practice. While there is a government-owned television and radio network administered by the independent Australian Broadcasting Corporation, private enterprise is dominant in the media. Opposition parties are completely free to express their viewpoints. Parliamentary debates are broadcast in full on the radio and there is no political censorship of media, books, or artistic works. There is full academic freedom.

#### b. Freedom of Peaceful Assembly and Association

Freedom of assembly is guaranteed in Australia, but some state laws provide for limitations in cases where public safety may be imperiled. For example, in Western Australia, the Police Act, as amended, requires that advance permission be obtained from the Commissioner of Police or an authorized officer before a procession or a public meeting can be held in a public place. The Commissioner may not withhold permission unless he has reasonable grounds to believe the meeting will imperil public safety. Only infrequently has permission to hold a meeting at a specific place been denied because of concern about public safety. In Queensland, laws governing street marches have led to occasional confrontations between the police, civil rights activists, and aboriginal activists.

Australians are free to form and join private associations, including labor unions. About 55 percent of Australia's labor force is unionized. Australia operates under a centralized system of arbitration and conciliation commissions and industrial tribunals. Registration of employer and employee organizations is not compulsory but registered associations enjoy certain rights and privileges. Australian unions exercise considerable influence on the policies of the federal and state governments, both on industrial relations and other public issues. The Australian Labor Party (ALP) currently forming the Federal Government, was created by the trade union movement. Organized labor in Australia has great influence.

The Australian Council of Trade Unions (ACTU) is an affiliate of the International Confederation of Free Trade Unions (ICFTU). Australian employer organizations, the ACTU, and the Government are active participants in the International Labor Organization (ILO).

#### c. Freedom of Religion

There is complete freedom of religion. There is no established church. There are no restrictions on religious activities or membership or on missionaries or conversion. Australians are completely free to maintain links with coreligionists abroad. Religious publishing is freely allowed, subject only to the same Post Office registration procedures for all periodicals.

Some Aboriginals adhere to traditional Aboriginal religion, which is without an organized structure but sees the world as full of signs of nature's intent towards men. In 1984 the Federal Government enacted the Aboriginal and Torres Strait Islander Heritage (interim protection) Act as an interim measure to protect and preserve significant Aboriginal sacred sites and objects. Protection of sacred sites remains a controversial issue, with continuing confrontations between some Aboriginal groups and developers.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on movement within or outside of Australia including the right of emigration and repatriation. Australia has been in the forefront of countries accepting refugees for resettlement. It has resettled more than 93,700 refugees from Indochina. In addition, Australia has welcomed significant numbers of refugees from elsewhere in the world, including Eastern Europe, the Middle East, and Latin America.

The Migration Act was amended in 1984 to remove distinctions between Commonwealth and non-Commonwealth non-Australian citizens in matters of deportation. A Passport Amendment Bill was passed in 1984 prohibiting the issuance of Australian passports to non-Australian citizens, thus removing the favored treatment of British subjects who are not Australian citizens.

## Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

Australians participate in their government by electing a two-chamber parliament. Voting is compulsory for Australians 18 and over. On December 1, 1984, a national election was held. It resulted in the re-election of Prime Minister Hawke's Labor Party, but with a smaller majority than it had won in the 1983 national election. State electoral procedures are set by each individual state.

Legislation was implemented in January 1984 removing the right of British subjects who are not Australian citizens, and not already on the electoral rolls, to vote in Australian Federal elections.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

Australia has ratified the International Convention on the Elimination of All Forms of Racial Discrimination. It is the Government of Australia's policy to respond to any communication it might receive from the United Nations Secretary General alleging violations of human rights in Australia. In addition, Australia is once again a member of the United Nations Human Rights Commission.

The Federal Racial Discrimination Act of 1975 prohibits all forms of racial discrimination based on color, race, ethnic background, or place of birth. The Australian Human Rights Commission, established in 1981, investigated 467 complaints under the Racial Discrimination Act in 1984. The Commission is charged with promoting the observance of human rights by monitoring Commonwealth laws and regulations, hearing complaints, and making recommendations to the Government. The Commission is authorized to cooperate with state governments on human rights matters under state jurisdiction. In 1984 the Commission actively considered how best to deal with race-hatred propaganda and racial defamation. The Government introduced the Human Rights and Equal Opportunity Commission Bill late in 1984 which would replace the current Human Rights Commission with a commission with expanded powers, particularly concerning discrimination in the workplace. The 1984 Amnesty International Report had no entry on Australia. Freedom House in its 1984-85 report lists Australia as "free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Australia is an affluent country, enjoying one of the highest living standards in the world. In 1982 the per capita gross national product was $11,145. In 1984 the infant mortality rate was 8.9 per thousand live births. Life expectancy at birth was 74.6 years in 1984. Australia's 1984 population of 15,462,000 was growing at the rate of 1.3 percent a year. While there have been no comprehensive surveys in recent years on adult illiteracy, recent findings suggest that 3 to 4 percent of Australians from an English-speaking background may be illiterate. Almost all Australians have access to a safe water supply; only in some extremely remote regions is access to safe water a hardship due to the great expense in transporting it. About 28.17 percent of the 1983-84 Federal budget was devoted to social security and welfare. Basic food, shelter, health care, education, and social security benefits are guaranteed for the entire population, including recent immigrants.

In 1984 Australia passed anti-sex discrimination legislation, giving effect to the United Nations Convention Against All Forms of Discrimination Against Women, which Australia ratified in 1983. The legislation outlaws discrimination on the grounds of sex, marital status and pregnancy in the areas of employment, accommodation, education, the provision of goods and services, the disposal of land, activities of clubs and the administration of Commonwealth laws and programs.

Women comprise 37 percent of the Australian labor force. In 1983 44 percent of women aged 15 and over participated in the paid labor force. Although women are beginning to enter jobs previously occupied only by men, they remain concentrated in a narrow range of predominantly female occupations characterized by low pay and low status. Nearly two-thirds of women are employed in only three occupational groupings: clerical, sales and service, sports and recreation. Full-time unemployment rates are higher among women than men. Average weekly full-time ordinary earnings for Australian women were 80 percent of male earnings in 1983.

In 1984 the Government launched a voluntary affirmative action pilot program involving 31 major Australian companies and universities with almost a quarter million employees. The aim is to improve women's position in the work force by ensuring that discriminatory practices or traditions are reviewed and removed. An affirmative action resource unit was established in the Office of the Status of Women to assist participants in the pilot program. In 1981 women comprised 45 percent of total undergraduate university students and 29 percent of the technical and further education enrollment.

The Government acknowledges that the Aboriginal population of about 180,000 is the most disadvantaged group in such areas as education, housing, health, and employment. The Government has a broad range of programs aimed at providing Aboriginals services available to other Australians, plus additional services to improve their socioeconomic conditions. The question of land rights on Aboriginal reserves is one of continuing controversy in Australia. The Federal Government is committed to a consistent national approach to land rights and, although legislation has not yet been introduced, continuing to consult with state governments, developers, and Aboriginal communities. In 1984 an Aboriginal was appointed the first Aboriginal Secretary of the Federal Government's Department of Aboriginal Affairs.

Australia participated as an observer in the United Nations Working Group on Indigenous Populations. At the group's third annual meeting in 1984, the Australian Government stated its support in principle for a new international convention setting international standards for the protection and promotion of the rights of indigenous populations.

## BRUNEI

Brunei, a small Muslim Sultanate with a substantial Chinese minority, is located on the north coast of Borneo. It has one of the highest per capita incomes in the world, based on its considerable oil production and small population (214,000 in 1984). A hereditary and traditional monarchy, Brunei has been ruled by the same family for more than 500 years, but for the century preceding independence on January 1, 1984, it was a British protectorate. Brunei became internally self-governing in 1959, with Defense and Foreign Affairs remaining British responsibilities until the end of 1983.

A Constitution was promulgated in 1959, the first sharing of political power by the Sultan. It provided that the Sultan could override the decisions of legislative and executive bodies in most instances. The first local election in Brunei was held in 1962. As a result of increased tension with the Sultan at that time, the opposition fomented an armed uprising in December 1962. After British troops had been brought in and quickly put down the uprising, the Sultan invoked an article of the Constitution under which he could assume emergency powers for a period of two years. This state of emergency has been renewed every two years since and is still in force. Although the Constitution is not suspended, the state of emergency allows the Sultan great latitude to rule by orders.

Since 1962 there have been no disturbances or agitation in Brunei. Economic factors have much to do with the general sense of well-being that prevails in Brunei. Oil revenues are sufficient to permit the Government to provide free medical care and free education (by government scholarship abroad at the university level). A large proportion of the Malay population of working age is employed by the Government at salaries permitting a higher standard of living than in surrounding countries. Government employees are also eligible for low-interest or no-interest loans to purchase homes, automobiles, and appliances. The only other major employer, Brunei Shell Petroleum, provides comparable benefits. Although the great majority of the substantial Chinese minority in Brunei are not citizens, being either permanent or temporary residents following the loss of their status as British-protected persons, the Chinese community is prospering. Most of the commercial activity of Brunei is in Chinese hands.

Islam is the state religion of Brunei, but the Constitution guarantees freedom of worship for other religions, and this right is freely exercised. The status of women in Brunei is substantially the same as in neighboring countries where Muslims are in the majority. Women are not under pressure to observe strict Muslim standards of dress and behavior. Trends in this direction reflect personal and family conviction. Women are widely employed in the Government, primarily in clerical and secretarial positions but a few hold professional level senior positions.

# BRUNEI

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

### a. Political Killing

There were no known instances in 1984 of politically motivated killings.

### b. Disappearance

There were no known disappearances in 1984 nor evidence of persons being abducted, secretly arrested, or clandestinely detained.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There were no known instances in 1984 of persons being subjected to torture or cruel, inhuman, or degrading treatment.

### d. Arbitrary Arrest, Detention, or Exile

There were no allegations nor known instances of people detained, punished, or tried for expression of views critical of or different from those of the Government in 1984 or any recent year. There are, however, a few detainees from the insurrection of 1962 who have not been released (several other were released at the beginning of 1984 at the time Brunei resumed full independence). Several leaders of the 1962 insurrection live abroad. They have not been sentenced to exile, a concept which does not exist in Brunei, but may still fear that they would be incarcerated should they return.

### e. Denial of Fair Public Trial

The legal system in Brunei is in most respects derived from the British system. Criminals and those suspected of criminal activities are detained, tried, and punished in a manner consistent with respect for their human rights. Lacking a senior judiciary of its own, the Brunei high court when in session has a British judge, seconded from Hong Kong. There were no known instances of interference with the judiciary by the Government in 1984 or in any other recent year.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

While the Government has considerable latitude allowing it to intrude into the privacy of individual persons, families, and homes, in practice it does not do so.

In the latter half of 1983, the distribution in Brunei of a weekly overseas magazine was suspended. While it published more than one article about Brunei just before its suspension, it is not clear exactly what prompted the Government's action. There was also at least one case in 1984 of suspension of distribution of a foreign publication for a single issue.

## BRUNEI

### Section 2 Respect for Civil Rights, Including:

#### a. Freedom of Speech and Press

In the absence of an organized political opposition, there have been no challenges to the Government which would have tested the Government's tolerance in the political arena. The single television station is Government-owned and consistently avoids controversial issues. There is no daily newspaper, and the single weekly newspaper, while usually avoid avoiding controversial issues, frequently reports matters that could be embarrassing to the Government. At least one foreign journalist has been among a small number of aliens whose non-resident permits have been summarily withdrawn.

#### b. Freedom of Peaceful Assembly and Association

The Government permits the formation of associations for many kinds of private economic, recreational, or other purpose without interference. Since there is no political activity, the degree to which the Government would tolerate political assemblies or associations is unknown. The formation of a labor union requires only seven persons with a common trade. Any such group has the right to have its union registered as such with the Labor Department. At present, there are only three unions registered, only one of which is believed to be active. There are no urgent labor issues in Brunei, mainly because there are only two major employers, Brunei Shell Petroleum and the Government, both of which provide substantial employee benefits. The existing unions have no political role. With Government permission they may maintain relations with recognized international bodies .

#### c. Freedom of Religion

Islam is the official state religion of Brunei, but people are free to practice the religion of their choice and do so.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Citizens have no restrictions on freedom of movement within the country or abroad.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Under the continuing state of emergency, provisions of the Constitution that provide for a measure of representative government have been suspended since 1962. There are no political parties. The only area of government where citizens can exert some influence is at the local level, by working through appointed village headmen and district officers who meet regularly with their constituents.

### Section 4 Government Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

Since there have been no known attempts at such investigations since Brunei regained independence, it is not known what the Government's attitude would be, should a request to make such an investigation be received. There are no known domestic human rights organizations. The Amnesty International 1984

## BRUNEI

Report expressed concern about the continued detention of people held without trial for their alleged involvement in the rebellion of December 1962, and about approximately 20 others believed being held without trial after being arrested for political reasons during the 1970's. Freedom House's 1984-85 report lists Brunei as "not free."

### ECONOMIC, SOCIAL, AND CULTURAL SITUATION

As an oil-rich state with a small population, Brunei can afford to provide the economic benefits of a modern welfare state. In the fields of health, education, and nutrition, the Government has spared little expense in assuring that the needs of the whole population, not just the elite, are met. The generally high cost of food is lowered by government subsidies of the price of rice, which is nearly all imported. Oil, which constitutes 75-80 percent of gross domestic product, results in a GNP per capita of approximately US$17,800. The high income level means that despite high cost, the population is well-fed and, for the standards of the area, well-housed. Citizens enjoy free education and medical care. Civil servants, a large segment of the working population, have access to subsidized loans and a non-contributory pension program. Resident non-citizens pay only a nominal fee for medical care and can attend public schools for a reasonable fee. Life expectancy at birth in Brunei was 73.7 years in 1984.

## BURMA

The Socialist Republic of the Union of Burma is a one-party, authoritarian state whose leaders come from a narrow elite within the military. Under Burma's 1974 Constitution, the ruling Burma Socialist Program Party (BSPP) dominates the Government. All major decisions are subject to the approval of party chairman U Ne Win, who was commander of the army in 1962 when the present regime came into power in a coup. The Government is headed by a 29-member Council of State, the chairman of which, U San Yu, is ex officio President of Burma. A unicameral national assembly includes 475 members chosen in unopposed elections for 4-year terms, and is the titular source of all power in the state. Though non-party members are permitted to run for the National Assembly and "people's councils," the basic unit of local administration, lists of candidates are approved by the BSPP. Opposition political groups are banned and public criticism of the Government is not tolerated.

A 1974 anti-subversion law codified the wide discretionary powers of government security agencies. Several government organizations are charged with state security. In addition, each local people's council has its own security committee with block and neighborhood wardens in cities and towns.

Most Burmese maintain a reasonably good standard of living, although statistically Burma remains among the world's least developed countries according to most economic measures. The Government is trying to build a centrally planned economic system under an ideological program known as the "Burmese Way to Socialism." Most significant economic enterprises are government-owned, and control of the economy is centralized. For many years, the Government pursued a rigid policy of economic self-sufficiency; a historical tradition of isolationism has contributed to political and cultural insularity as well. After encountering serious economic difficulties in the early 1970's, the Government has over the past decade tempered its doctrinaire socialism with some pragmatic economic measures, including greater tolerance of the private sector and acceptance of foreign grant and loan capital. Although the state retains ultimate rights to all land and natural resources, the right to own private property, alone or in association with others, is recognized by the Constitution and respected in practice.

A central factor affecting the human rights situation in Burma has been the continued widespread insurgencies against the Government. Dozens of different insurgent groups, based primarily among Burma's ethnic minorities, have been fighting the Government for decades. Some of these groups are fighting for autonomy or independence and against what they perceive to be domination by ethnic Burmans, who constitute at least two-thirds of the population. The Burma Communist Party has also been fighting for over 30 years to overthrow the Government. The Communists and many of the insurgent groups traffic in narcotics to finance their operations. Some of the insurgent groups are in effect narcotics syndicates with private armies. There are recurrent reports of human rights abuses by all sides in the fighting.

There was little change in the overall human rights situation in 1984. Authoritarian control over the political and economic systems was essentially unchanged. On the positive side, over a hundred undocumented "illegal aliens," some of whom had been held in indefinite detention for many years, were allowed to depart for repatriation and resettlement in other countries, and the government has indicated those remaining will be allowed to leave if other countries accept them for resettlement. In addition, draft laws to bring Burma into compliance with certain International Labor Organization (ILO) conventions were submitted to the Law Commission for consideration.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

Summary executions are not allowed under the Burmese judicial system. There are no specific reports of political killings. However, there have been reports that government forces have executed captured prisoners or killed suspected insurgent supporters during military operations. Government forces often conscript civilian porters for use in military operations, and their deaths from mines and other causes occur frequently.

There are also frequent credible reports of noncombatant deaths resulting from the fighting with the insurgents. Some insurgent groups have carried out summary executions of prisoners, opponents, and suspected informers. Some insurgent groups have resorted to terrorist attacks such as bombings, train derailments, kidnappings, and assassinations.

#### b. Disappearance

There were no specific reports over the past year of people being abducted, secretly arrested, or held in clandestine detention by security forces. There is no attempt to conceal common criminal or political/security arrests from family members, although details about the charges may not be revealed. Some insurgent groups have resorted to abduction as a political weapon or to coerce local inhabitants into cooperation.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution provides that punishment shall not be in violation of human dignity, and the Government denies that torture or inhuman treatment is practiced. However, reports suggest that the police and other security forces continue to use physical and psychological coercion, including torture, during investigations in order to obtain confessions or other information in both common criminal and political/security cases. There are unconfirmed reports of mistreatment of some political/security prisoners in regular prison facilities. Prison conditions are poor as a consequence of the generally low standard of living, over-crowding, low government expenditures, and limited staff.

There are credible reports that some insurgent groups employ death threats, beatings, and other forms of physical and mental coercion against opponents or villagers who refuse to cooperate with them.

### d. Arbitrary Arrest, Detention, or Exile

There is no provision in Burmese law for a person in detention to seek a judicial determination of the legality of his detention. In cases involving national security, persons are sometimes never formally charged but held in indefinite detention without trial. The Government neither acknowledges holding political prisoners nor considers itself compelled to justify the detention or imprisonment of anyone. The number of political detainees is thought to have decreased since 1980, when there was a general amnesty. Some estimates place the current number in the hundreds.

In common criminal cases, police may detain suspects up to 24 hours, after which a court order must be sought from competent judicial authorities. These court orders, which are renewable, authorize extensions of the detention of 14-day periods until charges are formally brought before a court. Detainees are frequently held incommunicado during the period of investigation and interrogation but are normally allowed visitors thereafter. Refugees and other stateless persons are regarded as illegal immigrants subject to arrest. If they cannot be repatriated after serving sentences for illegal entry, they may be detained indefinitely. The Burmese Government is thought to have under detention several hundred illegal immigrants from a number of Asian countries. Over 100 of these detainees have been voluntarily repatriated in recent years, and the Burmese Government is reportedly willing to release those remaining if they are accepted for permanent resettlement elsewhere.

Civilian males in the vicinity of military operations (primarily ethnic minority populated areas) are frequently conscripted for porter duty by the Burma Army. Insurgent groups also reportedly press-gang villagers as recruits or as porters.

### e. Denial of Fair Public Trial

Justice is administered by "Judges' Committees." These committees are elected from a single slate of candidates chosen by the party. Almost all judges are BSPP members, and a large number are military officers, either active or retired. Although untrained in the law, they are normally advised by professional legal officers. The legal code is residually based upon the British colonial system of law with an overlay from the present Constitution and other legal measures imposed by the present Government. The judiciary is not independent of the Government, which can influence both verdict and sentence, particularly in political/security cases.

The Constitution provides for public trials in most cases, and this practice is followed in common criminal cases. In political/security cases, special judiciary committees may be named by the Council of State. The public is normally not allowed to attend such trials.

When both common criminal and political/security cases come to trial, the burden of proof is on the prosecution, and the accused has the right to counsel. Legal counsel is provided for indigent defendants if they are faced with a possible sentence of seven years or more. Normally, defendants can consult freely and privately with their lawyers, and defendants and their lawyers are made aware of the charges and evidence and are permitted to submit their own evidence. The verdicts of civil, security, and military courts may be appealed to the next higher court up to the Council of State.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

In common criminal cases, police officials are required to have a valid search warrant or be accompanied by a member of the local People's Council at the time of search.

Search warrants are issued by local or state Judges' Committees. In political/security cases, security forces are not subject to judicial procedures and usually enter homes without warrants. Unannounced searches are sometimes conducted to insure compliance with laws requiring that any house guest be registered at the local People's Council Office. In areas of insurgency, forced entry and warrantless searches are carried out by government security forces and rebel groups alike.

It is widely believed that security personnel monitor private correspondence and telephone calls as a normal practice. A well-developed system of neighborhood informers reports on dissent and criticism of the Government. Private religious practices are not interfered with. There are reports that some persons in insecure areas have been forcibly resettled. These include former opium poppy growers who are resettled to control illegal opium production and improve security.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The Constitution guarantees freedom of speech, expression, and publication but stipulates that the exercise of such freedoms should not be "contrary to the interest of the working people and socialism." In practice, opposition viewpoints and public criticism of the Government are not tolerated. Party members can express some views about economic problems or bureaucratic failures, but outspoken members can be disciplined or expelled. Anyone criticizing the Government's leadership in public or private is subject to arrest although muted private criticism is usually ignored.

All mass media in Burma are government-owned and operated, including television, radio, and the six national newspapers. Newspaper editors are appointed by the Ministry of Information. Editorials must be approved in advance. Journalists are subject to strict guidelines as to what can be broadcast or published, especially on domestic matters. Although subject to prior review, international news reporting is generally objective and balanced. All foreign publications must be cleared by the press scrutiny board before they may be legally imported or distributed.

Criticism of government officials is not permitted, although cartoons and opinion editorials will sometimes criticize local administration indirectly. All forms of communications--domestic and imported books and periodicals, stage plays, motion pictures, and musical recordings--are subject to government control and censorship.

The Government monitors academic inquiry in the social sciences. All research proposals by foreign scholars must be approved. The extreme difficulty of obtaining scholarly publications from abroad and of communicating with foreign scholars seriously impedes academic research in all areas.

b. Freedom of Peaceful Assembly and Association

The Constitution guarantees the right of assembly and association, but only for those organizations permitted by law. In practice, most legitimate organizations are limited to the BSPP. BSPP units and "mass organizations" for workers, peasants, and youth have been established at every administrative level. These organizations serve primarily as vehicles for communicating national policies and implementing government programs. Opposition political groups are banned, and their members are subject to arrest. Certain nonpolitical secular organizations, such as professional, religious, and social associations, are not under direct government or party control.

There is no independent labor movement in Burma. Workers do not have the right to organize independently, negotiate or strike. The labor force is organized into party controlled workers' and peasants' mass organizations. Most of the leaders of these organizations are party officials and the national leadership is made up of ranking party and government officials. For example, the workers' organization national chairman is also the Minister for Social Welfare and Labor, and the peasants' organization chairman is also the Minister for Agriculture and Forests; both are members of the party's central committee.

Burma is a member of the ILO. In the past it was criticized by that organization for failure to comply with various ILO conventions. According to the 1984 report of the ILO Committee on the Application of Conventions and Recommendations, draft laws to bring Burma into conformity with ILO conventions 17, 62, and 87 were submitted to the Law Commission on December 26, 1983 and will be tabled before the National Assembly as soon as they are passed by the Law Commission.

c. Freedom of Religion

Burma is a secular state. Freedom of religion is guaranteed in the Constitution and widely observed in practice. The great majority of Burmese are Buddhist, although there are sizable Christian, Muslim, and animist minorities among minority ethnic groups. Minority religious groups are allowed to practice and there is a fairly high level of religious tolerance among the Buddhist majority. In some areas, there is tension between the Buddhist and Muslim communities, a reflection of both ethnic and religious differences. The Government has made an effort to prevent attacks on religious minorities in line with its proclaimed policy of religious tolerance.

Under the 1982 citizenship law, ethnic Burmese, including indigenous minorities, enjoy advantages that are not available to immigrants and their immediate descendants. Although there is no official discrimination on the basis of religion, some persons of mixed descent reportedly believe it advantageous to convert to Buddhism in order to benefit from the advantages of being considered ethnic Burmese.

All religious organizations are required to register with the Government, and religious publications are subject to the same governmental control and censorship as other publications.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution guarantees Burmese citizens the right to live anywhere in the country. Except for limitations in areas of insurgent activity, internal travel by Burmese citizens is unrestricted, but they must inform local authorities of their temporary place of residence. Non-citizens must obtain prior permission to travel. Permission is normally granted only for periods of several weeks maximum.

Citizens wishing to travel abroad, except for official purposes, must obtain approval from the Passport Board. There are long delays in the processing of applications, and less than half of them are believed to receive approval. Although the Passport Board does not need to justify its decisions, it is apparent that political considerations are a factor in some cases.

Before traveling abroad private citizens normally must reimburse the Government for their university and professional education and pay income tax in advance. Non-citizens are generally unable to travel abroad legally.

While no policy has been formally enunciated, emigration is restricted because of the Government's concerns about security and loss of trained personnel. Legal requirements and bureaucratic procedures cause long delays, and the right to emigrate often is denied. Emigrants are severely limited in terms of what they are allowed to take out of the country with them. Persons who retain their Burmese citizenship and who left the country legally are generally allowed to return to visit relatives, although there are often delays in obtaining entry visas. Emigrants wishing to return permanently are required to reapply for Burmese citizenship. In general, those who leave the country illegally cannot legally return under any circumstances.

Burma does not permit foreign refugees or displaced persons to resettle or seek safehaven within Burma. The Government treats persons claiming to be refugees as illegal immigrants subject to arrest or deportation.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Burma has an authoritarian, one-party system in which leadership is essentially drawn from a small elite within the military officer corps. All government institutions and other organizations in Burma are subordinate to the guidance of the ruling BSPP. The party in turn follows the leadership of Chairman U Ne Win, who has personally ruled and guided the formulation and execution of national policy for the last two decades.

Political opposition is not tolerated, and opposition political parties are illegal. The BSPP is used to mobilize popular support behind decisions of the leadership rather than as a vehicle to express individual or group opinions of the members.

The party chooses a single slate of candidates for government offices. Although party nominees run unopposed, they must receive 50 percent of the vote to be elected. In a few cases at the lower levels, the party nominees have not been elected. In party and governmental decision-making assemblies, votes are almost always unanimous.

Ethnic Burmans dominate the political system although the party seeks to expand participation by Burmese ethnic minorities. Women are underrepresented in the Party and at senior levels of government, reflecting the military background of most of Burma's present leaders.

Persons with a significant proportion of non-Burmese ancestry (usually Chinese or Indian) are barred from party and government offices and are forced to resign if their mixed ancestry is discovered. The national bodies of workers' and peasants' organizations deny leadership positions to members of mixed ancestry. The Citizenship Law of 1980 significantly limits the rights of many primarily ethnic Chinese and Indians.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Burmese Government does not permit investigations of its human rights practices, nor is it willing to discuss human rights problems with outside governmental or non-governmental organizations. The Government has permitted a visit by ILO representatives to discuss the labor situation in Burma. No Burmese organization, governmental or private, monitors the human rights situation in Burma. Burma does not actively participate in international or regional human rights bodies. In its 1984 Report, Amnesty International noted that it continued to receive occasional reports of arrests on political grounds, and it was concerned that some of those arrested were said to be held without charge or trial. It also noted allegations that some of these detainees were ill-treated. Freedom House's 1984-85 report listed Burma as "not free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

According to data supplied by the World Bank, Burma's population in 1984 was 36,196,000 and it had a population growth rate of two percent. Burma remains one of the poorest nations in the world, in terms of estimated per capita gross national product, only $187 in 1982. This figure and other economic and social indicators for Burma are generally very rough, outdated estimates that often may not accurately reflect actual conditions. Burma is rich in natural resources and is essentially self-sufficient in food; the majority of the population appears to have the basic economic necessities.

Life expectancy in 1984 was 55.5 years at birth and the infant mortality rate for 1984 was estimated at 90.8 per 1,000 live births. Calorie supply as a percentage of minimum established daily requirements was estimated at 113 in 1981. The precentage of the population with access to safe drinking water was estimated to be 17 percent in 1976.

Education in Burma is free through the university level, and the party and Government have made a major effort to improve literacy in recent years. The World Bank reports the primary school enrollment ratio as of 1981 was 84 percent overall: 87 percent for males and 81 percent for females. Burma's numerous ethnic minorities have their own distinct cultures and languages; many of them live in remote, insecure areas. Many of the minority groups have historically resisted assimilation and view central control as a chauvinistic attempt by ethnic Burmans to dominate them. Numerous insurgent groups continue to fight for autonomy or independence. Economic development among the ethnic minority groups has lagged, and many still live at the subsistence level. This is due in part to the chronic insurgencies and geographic factors which impede economic development in the rugged, isolated ethnic minority populated border areas. Minorities are underrepresented in the party and Government and are largely excluded from the military leadership.

The Chinese and Indian minorities enjoyed a favored status when Burma was a British colony and dominated the country's economy. Members of these groups are now generally denied full citizenship status and are not permitted to hold important party or government jobs, although they continue to play an important role in the economy.

Women in Burma have distinct social roles, which vary with their cultural traditions and ethnic backgrounds. In general, Burmese women enjoy most of the same rights as men. They keep their own names after marriage, are active in trade and often control family finances, and enjoy the same legal rights as men. Buddhism, like many religions, limits the religious role of women and assigns them a theoretically inferior status to men. Women are greatly underrepresented in senior positions in the party and Government.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: BURMA

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 13.7 | 18.8 | 14.6 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 13.7 | 18.8 | 14.6 |
| A.AID ................. | 7.6 | 13.8 | 12.2 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 7.6 | 13.8 | 12.2 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.0 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 6.1 | 5.0 | 2.4 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 6.1 | 5.0 | 2.4 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 6.1 | 5.0 | 2.4 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.2 | 0.2 | 0.1 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.2 | 0.2 | 0.1 |
| A.MAP GRANTS......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.2 | 0.2 | 0.1 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 13.9 | 19.0 | 14.7 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 13.9 | 19.0 | 14.7 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 219.4 | 115.5 | 126.3 | 1359.9 |
| IBRD | 0.0 | 0.0 | 0.0 | 33.1 |
| IFC | 0.0 | 0.0 | 0.0 | 0.0 |
| IDA | 100.0 | 92.0 | 54.7 | 664.7 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 79.7 | 8.1 | 71.6 | 506.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 12.7 | 15.4 | 0.0 | 83.4 |
| OTHER-UN | 27.0 | 0.0 | 0.0 | 72.7 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## CAMBODIA

Control of Cambodia has been contested since January 1979 when the Vietnamese army drove the Khmer Rouge Communist regime of Democratic Kampuchea out of Phnom Penh and installed its puppet regime, the People's Republic of Kampuchea under a former Khmer Rouge division commander, Heng Samrin. Vietnam maintains its control over most of Cambodia, including all major cities and towns, by force of arms. The fundamental source of most human rights abuses in Cambodia at the present time is the occupation of the country by at least ten Vietnamese army infantry divisions and associated supporting units which maintain the Heng Samrin regime and its leader in power. However, this control is challenged by a three-part Khmer resistance movement, the Coalition Government of Democratic Kampuchea , which maintains base areas in that part of Cambodia close to the Thai border and which holds Cambodia's seat at the United Nations.

Since 1979, Vietnam has attempted to develop political and economic institutions following the Vietnamese model in the areas under its control. Power is restricted to the Kampuchean People's Revolutionary Party, which is dominated by the Communist Party of Vietnam. Vietnam seeks popular support for the Heng Samrin regime and acceptance of its own military occupation by highlighting the brutality of the former Khmer Rouge regime and warning that the Khmer Rouge would return to power if Vietnamese troops left Cambodia. However, despite fear of the Khmer Rouge, Vietnamese domination of Cambodia is unpopular, and Hanoi's client regime is maintained through Vietnamese armed force.

The Coalition Government of Democratic Kampuchea opposing Vietnamese domination of Cambodia and contesting the authority of the Heng Samrin regime was formed in 1982 when two non-Communist resistance groups joined the Khmer Rouge, which now has perhaps 35,000 armed men. While in power from 1975 to 1979 the Khmer Rouge compiled one of the worst records of human rights violations in history in a thorough and brutal attempt at restructuring Khmer society and individual personality. The number of Khmer who died as a result of the Khmer Rouge policies may have been over a million. Since being overthrown by Vietnam, the Khmer Rouge claim to have abandoned their radical ideology and policies. They are attempting to gain the following of the Khmer people by support for traditional institutions such as Buddhism and by publicizing their links with the popular former ruler, Prince Sihanouk. The Khmer Rouge formally dissolved the Communist Party of Kampuchea in 1981. However, the Khmer Rouge top leadership under Pol Pot, Ieng Sary and Khieu Samphan remains unchanged, as does their brutal treatment of opponents.

The Khmer People's National Liberation Front (KPNLF) with approximately 15,000 men under arms, is the larger of the two non-Communist resistance groups. It is led by former Prime Minister Son Sann and espouses parliamentary ideals of government. It was formed in 1980 with the merger of several existing non-Communist resistance groups, many led by former soldiers from the period of the pre-1975 Khmer Republic.

The third group in the coalition is the National United Front for an Independent, Neutral, Peaceful, and Cooperative Cambodia, headed by Prince Norodom Sihanouk, who ruled as hereditary king and later head of state until 1970. The appeal of this organization centers on the Prince's international stature and his popularity within Cambodia. The Sihanoukist National Army has approximately 8,000 armed soldiers.

Cambodia's economy is based on subsistence-level agriculture. In theory, all land is owned by the state, and the Heng Samrin regime is attempting to impose a collective economic system in Cambodia. In practice, however, lack of planning and administrative capacity have resulted in continued reliance on decentralized agricultural production in which rudimentary forms of collectives or individual family groups are the main units of production.

Light industry had begun to develop in Cambodia by 1970, but civil war, invasion, and the Khmer Rouge destroyed most of the industrial infrastructure. After six years of Vietnamese control, Cambodian industry remains of marginal importance. Light industry consists of approximately 80 factories employing 50,000 workers. Most other non-agricultural employment is in small family-run services or handicrafts.

During 1984, systematic violations of human rights continued in Cambodia, as Vietnam has continued to rely on force to maintain its client regime in power against popular will. A group from the New York Lawyers Committee for International Human Rights visited Cambodia in November 1984. It was not permitted to visit Heng Samrin-controlled areas. Its summary of findings states that the "rule of law is not respected in any serious sense in the People's Republic of Kampuchea (Cambodia). For the hundreds or perhaps thousands of political prisoners who inhabit its jails, beatings are commonplace and more sophisticated forms of torture usual."

The scope and intensity of military and para-military activity and associated violence by both Vietnam and the Khmer resistance groups have increased. In their fight against the Vietnamese, the Khmer Rouge have employed terrorist tactics against Khmer civilians, including murder and destruction of economic resources. Indications of deliberate starvation of Vietnamese prisoners held by the Khmer Rouge also became available in 1984.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

Reports of political killing in the Vietnamese-controlled areas of Cambodia declined after an intensive Vietnamese/Heng Samrin internal security campaign against suspected opponents in the middle of 1983. Khmer resistance groups continue to report instances of Vietnamese and Heng Samrin officials killing suspects during interrogations, but this has not been confirmed by independent sources. In 1984, U.S. Government specialists in chemical warfare investigated a number of reports of the use of lethal chemical or biological agents by the Vietnamese against the Khmer resistance. However, no proof of such use during this period was developed from these investigations.

## CAMBODIA

The Khmer Rouge increased the use of terrorist tactics during 1984. In addition to attacks on Heng Samrin or Vietnamese armed forces, civilian officials and common citizens have been killed. Khmer arrivals on the Thai/Cambodian border reported that in early September the Khmer Rouge stopped a train from Phnom Penh to Kompong Som and killed many of the civilian passengers. In November 1983, eight Soviet agricultural experts were reportedly taken from a bus and killed by the Khmer Rouge.

Summary executions have been reported in non-Communist controlled areas for offenses against military discipline such as unauthorized selling of weapons.

### b. Disappearance

There have been reports from Phnom Penh that Heng Samrin security officals have been responsible for the disappearances of persons suspected of being opponents of the regime. Although most of those who have disappeared apparently have been imprisoned, others reportedly have been executed.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Physical torture has been reported both from rural areas and from Phnom Penh prisons. The Lawyers Committee for International Human Rights reports from its November 1984 visit that persons suspected of resistance activity are "routinely tortured" in the early weeks of detention by Vietnamese and Heng Samrin officials. Beatings during interrogation to uncover resistance sympathizers are the most common form of torture. There have also been reports of suffocation with plastic bags, burning with boiling water, deprivation of food and sleep, and degrading treatment such as removing clothing during interrogation. Psychological pressures such as the threat of indefinite confinement without trial are employed during interrogation. Khmer resistance organizations have charged that techniques such as hanging suspects upside down are also used by Vietnamese and Heng Samrin military and internal security services.

Conditions in prisons in the Heng Samrin areas are harsh. An inmate at the T3 central prison in Phnom Penh from September 1980 to January 1983 reported that he was kept shackled in a dark cell for six months and given a subsistence diet of corn and wheat. After 1981, he reported, the prison diet improved to about 500 grams of rice per person per day, supplemented by fishbroth mixed with bindweed. He said malnutrition and dysentery were common, resulting in occasional deaths of prisoners. Prisoners slept on a concrete floor. No medical care was provided, according to this source.

Little information is available about treatment of prisoners in areas controlled by the Khmer Rouge. However, a number of Vietnamese prisoners who had been in Khmer Rouge hands ended up in Thailand following Vietnamese attacks on Khmer Rouge bases in early 1984. Press photographs of the Vietnamese indicated that they were close to starvation. In contrast, treatment of Vietnamese and Heng Samrin prisoners by the non-Communist resistance groups has been generally good.

### d. Arbitrary Arrest, Detention, or Exile

Suspected resistance sympathizers are detained, interrogated and often jailed for extended periods of time with neither formal charges nor other legal procedure. Regulations of the Heng Samrin regime call for the arrest and "reeducation" of "any person carrying out propaganda campaigns to sabotage internal unity and Kampuchea-Laos-Vietnam solidarity." Such "reeducation" means indefinite detention to force a change in political values. The 1984 Amnesty International Report expressed concern about the detention without trial of persons suspected of anti-regime activities.

Approximately 700 supporters of the pro-Sihanouk resistance group were captured by the Vietnamese army during an attack on the Sihanoukist base at O-Smach in April 1983. These individuals were confined for interrogations and political indoctrination for several months before being released. Although living conditions were harsh, there were no reports of torture or other forms of unusual punishment during this confinement.

During 1984 the Heng Samrin regime instituted a formal program of amnesty and resettlement for resistance members who surrender. This program includes a period of political rehabilitation. No information has become available on the implementation of this program.

In Vietnamese-controlled areas, forced labor is common. According to refugee accounts, the Vietnamese have systematically conscripted thousands of Khmer civilians from throughout Cambodia for work on military-related projects in or near combat areas along the Thai-Cambodian border. Their forced participation places their lives at risk when Vietnamese or resistance military actions occur nearby. The Khmer Rouge also require labor from individuals under their control and prevent them from leaving, either to return to areas controlled by the Vietnamese or to join the non-Communist Khmer resistance groups.

### e. Denial of Fair Public Trial

Political prisoners under the Heng Samrin regime are regularly denied the right to a trial. There are no reliable figures on the numbers of political prisoners in Cambodia.

The Heng Samrin regime has reestablished courts and begun to develop a legal system. However, little information is available about trials. There have been only a few instances where trials have been reported, and details of customary court procedure are not available. In general, the formal legal system is not an important part of the Heng Samrin regime structure. Arrivals on the border have little knowledge of the workings of the Heng Samrin legal system, either in theory or practice.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Heng Samrin authorities search whenever and wherever they wish. Networks of informers report to the secret police, and Vietnamese personnel are assigned to monitor all levels of the Heng Samrin internal security apparatus. Vietnamese and Heng

Samrin authorities have forced people to relocate into fortified villages or "strategic hamlets" in order to prevent contact with resistance forces.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

In Vietnamese-controlled areas the press and radio are wholly controlled by Hanoi and its client regime. Criticism of the regime is not tolerated, nor are foreign books and periodicals admitted, except those officially distributed. There have been reports of arrests for listening to foreign radio broadcasts. A similar situation exists in the Khmer Rouge areas. Foreign publications are permitted to enter freely into non-Communist areas.

b. Freedom of Peaceful Assembly and Association

The only associations permitted in Heng Samrin areas are those created by the regime for groups such as farmers, women, and youth. Organized labor is totally under the regime's control, and industries have organized branches of the official Trade Union for National Salvation. The Khmer Rouge do not have associations or trade unions. The non-Communist groups encourage women's associations which have both educational and social functions.

c. Freedom of Religion

When in power in Phnom Penh, the Khmer Rouge disestablished Buddhism as the state religion. They defrocked some 70,000 monks, forcing many to marry and all to labor, and turned pagodas into warehouses. Since being driven from power, the Khmer Rouge have tried to give the impression of reform. In 1983 a foreign journalist traveling with the Khmer Rouge within Cambodia photographed Khmer Rouge soldiers paying their respects to Buddhist monks. However, defectors from the Khmer Rouge zone in 1984 continued to report that Buddhism is discouraged by Khmer Rouge authorities. Christianity and Islam were even more ruthlessly suppressed by the Khmer Rouge when they controlled the country and are not known to have been revived in Khmer Rouge zones since.

The Heng Samrin regime has permitted the return of religious practices but has not reinstated Buddhism as a state religion. At the second Buddhist monks' conference in Phnom Penh on July 4, 1984, a resolution was passed which dedicated Buddhism to the "two strategic tasks of the party--namely, to defend the fatherland and build it through the period of transition step-by-step toward socialism." In general the Heng Samrin authorities attempt to use Buddhism as one of a number of organizations for "mass mobilization," to implement party policies. Christian groups are harassed by the Heng Samrin regime. The Protestant and Roman Catholic communities in Phnom Penh are reportedly not authorized to meet. Muslims, most of whom are ethnic Chams rather than Khmer, have been encouraged by the Heng Samrin regime to renew their religious community, and Muslims have spoken out in public in support of the Heng Samrin regime and against the excesses of the former Khmer Rouge regime.

Non-Communist resistance camps afford freedom of religion.

Both Buddhist and Islamic places of worship exist in most non-Communist camps.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Heng Samrin regime tries to control tightly all travel within the areas under its control. Passes are required for internal movement between villages. Checkpoints are ubiquitous, and bribes as well as passes are required to pass them, although checkpoints can often be dodged by avoiding roads. A system of neighborhood surveillance, modeled after the Vietnamese system, was introduced in 1981. Nevertheless, thousands of Khmer continue to move around inside the country and to the Thai border to trade, look for family members, or join the resistance. Only top Heng Samrin officials travel abroad. Other Khmer seeking to leave the country flee to the border where many try to enter Thailand. The Heng Samrin regime has agreed in principle to accept refugees back from camps in Thailand but has taken only a handful so far because it has put off reaching an agreement with the United Nations High Commissioner for Refugees on the mechanics of repatriation. Thousands of Khmer have returned informally to Cambodia from the Thai Border. Many of the 45,000 Khmer still in holding centers in Thailand have already been approved for resettlement in Western countries.

The Khmer Rouge also tightly control movement within their zones and attempt to prevent the non-Communists from operating in or crossing what they consider their "liberated areas." In one 1984 instance, a group of approximately 500 Khmer escaped from Khmer Rouge control and joined a non-Communist group. The Khmer Rouge and the non-Communist groups have accepted people back from refugee camps in Thailand.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The fundamental right of self-determination is denied to the Khmer people. The Kampuchean People's Revolutionary Party, a Communist party of probably fewer than 1,000 members and directed by a very small group of leaders, controls political life in the Heng Samrin regime areas. Major policies are established by Vietnam and many day-to-day administrative decisions, especially in internal security matters, are made unilaterally by Vietnamese officials. Both Hanoi and Phnom Penh have rejected any change in the system imposed following the Vietnamese invasion, calling the situation "irreversible."

Political aspirants in Heng Samrin areas must study the current political dogma, which centers on acceptance of the Vietnamese explanation for Hanoi's dominant position in Cambodia. Middle- and high-level Heng Samrin officials must attend political indoctrination courses taught by Vietnamese at political schools in Phnom Penh and in Vietnam. Relatively few Heng Samrin officials are considered reliable by the Vietnamese. Khmer loyal to Hanoi prior to 1975 are afforded the highest positions of trust, followed by pre-1978 defectors from the Khmer Rouge, other former Khmer Rouge cadre, non-political "intellectuals" (including many pre-1975 school teachers), and low-ranking officials of pre-1975 governments, in that order. While attempting to build an indigenous party and government structure in Cambodia, Vietnam itself maintains complete control. Elections in Heng Samrin areas do not allow genuine political participation but rather are staged by the regime to demonstrate legitimacy through voter activity, and to underscore the relative status of leaders by varying percentages of the "vote." Reports suggest that in the 1981 national elections, percentages were "rigged," and some victors were named regardless of the number of votes they received. Vietnamese district level advisors were reliably reported to have picked candidates for lower level elections. The next national election is scheduled for 1986.

The Khmer Rouge Communist Party of Kampuchea was formally dissolved in December 1981, but it continues in Khmer Rouge areas as a clandestine entity. In fact, the party, in which power is concentrated in the hands of fewer than 10 people, controls all political, economic, and military life in those areas. No opposition is possible. Defectors from the Khmer Rouge areas in 1984 reported that power continues to be held by the pre-1979 leadership.

The non-Communist political fronts are less disciplined and control their areas more loosely.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

Human rights violations in Cambodia have been the subject of intense international attention since 1978, when the United Nations Human Rights Commission and its Subcommisson on the Prevention of Discrimination and Protection of Minorities began investigating the problem when Cambodia was ruled by the Khmer Rouge. In February, 1984 the Commission adopted the latest in a series of resolutions on Cambodia. The 1984 resolution noted the increasing effectiveness of the resistance coalition with Prince Sihanouk as President of Democratic Kampuchea, reiterated its "condemnation of persistent occurrence of gross and flagrant violations of human rights in Cambodia," and reaffirmed "that the continuing occupation of Cambodia by foreign forces deprives the people of Cambodia from exercise of their right to self-determination and constitutes the primary violation of human rights in Cambodia at present." The Amnesty International 1984 Report expressed concern about reports of the detention without trial of persons opposing the policies of the Heng Samrin regime, reported conditions in the Phnom Penh central prison, and the 1983 arrests in Siep Reap-Oddar Meanchay province. Freedom House considers Cambodia "not free" and , in its 1983-84 report, assigned its lowest ratings, with the observation that "Cambodians continue to be one of the world's most tyrannized peoples." Authorities in the Heng Samrin and Khmer Rouge-controlled areas have not permitted investigation of charges of human rights violations. The Heng Samrin regime declined to permit the New York Lawyers Committee For International Human Rights to visit areas it controls. The Heng Samrin regime and the Khmer Rouge areas have Red Cross organizations, but neither they nor any other groups in those areas have a role in the protection of human rights.

The non-Communist camps along the Thai/Cambodian border have substantial daytime presence of voluntary and international organization staff who have intervened to secure better treatment of minorities, such as Vietnamese refugees. The New

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York Lawyers' Committee For International Human Rights visited two non-Communist areas during its November trip.

### ECONOMIC, SOCIAL, AND CULTURAL SITUATION

After years of fighting within Cambodia, statistics about the economic, social, and cultural situation are unreliable. The population in 1984 is estimated to be 6.1 million, close to the 1962 census figure of 5,729,000, with a growth rate of 2.1 percent. Life expectancy at birth is estimated at 44.2 years. The Heng Samrin regime has tried to restore some parts of the traditional culture, reversing Khmer Rouge efforts to completely restructure the society and remold individual personality. The regime has promoted traditional music and dance and has reopened many primary schools and selected university faculties, such as medicine and dentistry. It claims a total primary and secondary school population of 1.8 million.

Cambodia is now, even more than before 1970, an agricultural country. Earlier trends toward urbanization were reversed when the Khmer Rouge forcibly evacuated the entire urban population in 1975 with great hardship and loss of life. Since the Vietnamese invasion, urbanization has resumed, but many of the former city people, including Chinese merchants, died during the Khmer Rouge years or have since fled abroad. Khmer peasants have entered Phnom Penh in search of food and work. The embryonic Khmer enterpreneurial class faces overwhelming competition from Vietnamese who have flowed into commercial activities in market towns through eastern Cambodia and in Phnom Penh itself.

There have been reports of Vietnamese taking advantage of their privileged status to force Khmer out of desirable occupations or land. Khmer arriving on the border in 1984 reported that newly instituted commercial taxes in the cities are driving out Khmer and Chinese merchants whose places are being taken by Vietnamese who are able to avoid taxation. In 1982, the Heng Samrin regime issued party and government directives facilitating Vietnamese settlement in Cambodia. The Heng Samrin regime has claimed that only 56,000 Vietnamese have settled in Cambodia, while Mr. Willibald Pahr, former Austrian Foreign Minister and President of the International Conference on Kampuchea, estimated 500,000 as a minimum figure. Resistance groups have reported the total to be as high as 700,000, and they believe a calculated policy of "Vietnamization" is being pursued. Reports from border travelers indicate that many new Vietnamese have moved into Cambodia to join returning residents who had fled or been expelled during the Khmer Republic or Khmer Rouge periods. Most are traders or fishermen, but beginning in late 1981 a large group of Vietnamese farmers settled on rich marshland in Takeo Province.

In rural areas, the Heng Samrin regime has instituted a system of agricultural collectivization to till the larger rice fields. Heng Samrin officials claim that 90 percent of Khmer peasants have been organized into more than 100,000 "solidarity production" teams. The Constitution permits families to occupy a small plot on which a house and garden exist. Other land is farmed collectively, although in practice most farm production is still on an individual family basis. Forced labor was a regular feature of rural life in Cambodia under the Khmer Rouge and remains common under the Heng Samrin regime. Some reports indicate that the scale of such corvee labor on Vietnamese military projects increased significantly in 1984.

By 1984 there were reports that Vietnamese were increasingly dominating the fishing industry, especially on the Mekong River and the Tonle Sap. As a result of overfishing and exports to Vietnam of at least 17,000 tons, there has been a reported decline in the availability of fish protein.

The health, medicine and nutrition deficiencies of recent years are only slowly being overcome. An inadequate number of Khmer medical personnel at all levels has been supplemented by foreign medical teams. Foreign teams from non-Communist countries are increasingly restricted to Phnom Penh and other cities in eastern Cambodia. Despite the presence of these teams and a reportedly large number of Vietnamese health cadre, medical care even in the best hospitals in Cambodia is not adequate. Most Khmer have no access to medical care at all. Cambodia is subject to many kinds of tropical diseases and to an especially virulent strain of malaria. Preventive measures for mosquito-borne diseases no longer exist. The emergency relief needs that led to the massive international food relief operation beginning in 1979 have been essentially fulfilled. Nevertheless, the nutritional situation remains precarious. In the most severe food deficit provinces of the country, up to 60 percent of children under 13 years old are reported to suffer from moderate or severe malnutrition.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: KAMPUCHEA

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 3.8 | 2.1 | 3.3 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 3.8 | 2.1 | 3.3 |
| A.AID ................. | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 3.8 | 2.1 | 3.3 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 3.8 | 2.1 | 3.3 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 3.8 | 2.1 | 3.3 |
| E.RELIEF.EC.DEV & WFP. | 3.8 | 2.1 | 3.3 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 3.8 | 2.1 | 3.3 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 3.8 | 2.1 | 3.3 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 0.0 | 1.5 | 2.5 | 36.4 |
| IBRD | 0.0 | 0.0 | 0.0 | 0.0 |
| IFC | 0.0 | 0.0 | 0.0 | 0.0 |
| IDA | 0.0 | 0.0 | 0.0 | 0.0 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 1.7 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 0.0 | 0.0 | 0.0 | 20.2 |
| OTHER-UN | 0.0 | 1.5 | 2.5 | 14.5 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## CHINA

China is ruled by its Communist Party, which reserves to itself all power to decide political and economic policy and sees itself as the final arbiter of social, cultural, and moral questions. The party places comprehensive restrictions on fundamental political and civil rights such as the freedom of speech, the press, religion, association, and travel. Power within the party is shared among a small group of leaders in several key organizations, including the Politburo and its six-member Standing Committee, the Military Commission, and the Secretariat. Despite his semi-retirement, Politburo Standing Committee member Deng Xiaoping remains China's decisive policymaker.

When it achieved power in 1949, the Communist Party inherited a country with a long tradition of autocratic rule. The party has continued this tradition, justified it with Leninist principles, and strengthened it through the use of the instrumentalities available to the modern state. Any alternative to one-party, totalitarian Communist rule has been rigidly excluded since 1949. The experience of the Cultural Revolution in which the populace (including most of the present leadership) was victimized by repeated, violent mass campaigns and the country fell into a state of virtual anarchy has resulted in a popular desire for order and stability. The leadership tries to appeal to this popular feeling by equating any perceived threat to its control with a threat to social order that justifies a strong reaction.

Since the death of Mao Zedong and the arrest of the "Gang of Four" (Mao's radical followers) in 1976, the Chinese system has been in a period of transition and experimentation. While justifying their policies in terms of Marxist-Leninist principles and the writings of Mao Zedong and other Chinese Communist theoreticians, China's leadership broadly interprets these ideological tenets to embrace its pragmatic policies aimed at fostering economic development. A commentary in the Communist Party newspaper People's Daily in December, 1984, for example, noted that the writings of Marx and Lenin could not be expected to solve all contemporary problems. To spur modernization of this developing country, the leadership has progressively repudiated more and more aspects of the Soviet economic model. At its October plenum, the party's Central Committee approved a massive reform program for industry and commerce which aims at loosening planning, rationalizing prices, further decentralizing enterprise management, and "deregulating" significant portions of the economy in favor of reliance on market forces. Building on successful agricultural reforms, the new policies envisage giving greater play to individual initiative, while maintaining the general framework of economic planning.

Since the late 1970's, the leadership has instituted political measures aimed at rejuvenating institutions ravaged by the Cultural Revolution, restoring party prestige among the population, and creating stability to facilitate economic growth. The legal system, abandoned during the Cultural Revolution, has been resurrected, and the authorities have promulgated many laws, including the first full-scale criminal law and criminal procedure code in the history of the People's Republic. The new Constitution, adopted in 1982, provides a structure for dispersal of political power within the Government--which, of course, remains subordinate to the party--and formal guarantees of individual rights. While not relinquishing its decision-making power, the party has made a gesture towards broader participation in the political process through reinvigoration of the National People's Congress and the Chinese People's Political Consultative Conference, as well as by holding multiple-candidate elections to local representative bodies. The party has also changed Cultural Revolution policies which sought the destruction of religion in favor of limited toleration, resulting in some growth in officially-sanctioned religious activities, combined with continuing restrictions in other areas.

Notwithstanding these reforms, the regime does not tolerate criticism of the Communist Party or the socialist system, as such, and usually deals swiftly and harshly with those who challenge its basic policies. In 1979-81, dissidents were rounded up and imprisoned for publicly questioning the established order, quickly ending a brief post-Cultural Revolution relaxation of tight controls on freedom of expression. Despite the incipient emphasis at that time on the rule of law, many of these dissidents were detained in isolation for over one year before trial and then convicted in closed hearings of "counter-revolutionary" activities. The crackdown effectively silenced the small dissident movement and dried up sources of information on human rights developments. Although two of these dissidents were reportedly released in 1983, the rest remain imprisoned. There have been no reports of new arrests of such dissidents in the last two years.

The Government has also moved against religious figures and some members of minority groups who have challenged basic policies. The authorities have periodically tried to pressure worshipers in unsanctioned congregations to join officially-recognized churches, and have arrested leaders of such groups for anti-government statements or clandestine links with foreign missionaries. Several Catholic priests have received long prison terms for maintaining ties with the Vatican. Despite the leadership's more liberal policies towards minority peoples, some Tibetans have been arrested in recent years for protesting Chinese control of Tibet.

A variety of stringent measures has been promulgated by the Government to control the country's population growth. Although contrary to official Chinese policy, there have been numerous reports of coercive birth control practices, including forced abortions and sterilizations. Another apparent result of the Government's effort to curb population growth has been a revival of the traditional practice of female infanticide. Senior Chinese officials have publicly condemned this practice and insist that it is not widespread.

An important part of China's evolution towards a less tightly controlled society is the leadership's policy of opening up to the outside world. The Government has made the promotion of foreign trade and investment an integral part of its modernization drive. Travel and emigration controls have loosened significantly, as tens of thousands of Chinese go abroad every year to study, conduct business, or visit relatives, while millions of overseas Chinese and hundreds of thousands of other foreigners visit China annually. At the same time that it promotes China's opening to the outside, the party seeks to block unwelcome foreign influences. Chinese contacts with foreigners continue to be monitored by an extensive security apparatus.

# CHINA

The crime suppression campaign launched in the fall of 1983 continued throughout 1984, but at a slackened pace. The overall rate of executions, while probably much higher than before the campaign started, appeared to decline compared to the last five months of 1983. The authorities claimed the campaign had significantly reduced the crime rate, and that it would continue through 1986. Most of those executed were accused of serious non-political crimes such as murder, robbery, and rape, but a few were given the death sentence for spying for Taiwan and for other "counter-revolutionary" offenses. A Public Security Ministry spokesman announced in November, 1984, that the campaign had resulted in arrests of 70,000 persons, while 120,000 criminals had turned themselves in. The spokesman said that 70 percent of the crimes involved larceny. In a special study of human rights violations in China published in September, 1984, Amnesty International expressed concern for the extensive use of the death penalty and the lack of legal safeguards during the campaign.

In 1984, the party concluded the first year of its internal "rectification" campaign designed to improve the commitment of party cadres to the current reform policies and rid the party of "deviant" and unqualified members, including those identified with Cultural Revolution excesses. During the year, party leaders stressed that the campaign should be conducted in an orderly manner and not become simply a device for settling old scores. By the end of the year, the party had expelled no more than a few hundred members, of whom a few were arrested and tried in regular courts for crimes committed during the Cultural Revolution. The "Gang of Four," including Jiang Qing (Mao Zedong's widow) and Zhang Chunqiao, whose death sentences were commuted to life imprisonment in 1983, remained in jail in 1984.

In December, China and the United Kingdom signed an agreement on the return of Hong Kong to Chinese sovereignty in 1997. The agreement included Chinese guarantees for the continuation of Hong Kong's social and economic systems as well as specific individual rights and freedoms. Chinese authorities claimed that Hong Kong would continue to operate as a virtually autonomous capitalist entity under the rubric of "one country-two systems," and they explicitly cited this policy as part of their efforts to encourage Taiwan to rejoin the rest of China in a "peaceful reunification."

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

To facilitate the anti-crime campaign, the National People's Congress Standing Committee in September, 1983, amended existing statutes to increase the number of crimes punishable by death and transfer responsibility for reviewing death sentences in some categories of offenses from the Supreme Court to provincial higher courts. Another amendment provided for speedier trials for certain categories of serious offenders by waiving the requirement that the accused receive a copy of the indictment seven days before trial. Removal of such procedural requirements drastically reduced defendants' opportunities to prepare a defense or appeal a conviction.

At the height of the anti-crime campaign in the fall of 1983, for example, two individuals were executed only six days after their arrest. The 1984 Amnesty International special report on China pointed out that the new provisions applied immediately to all relevant trials, which resulted in the execution of some defendants for crimes that did not carry the death penalty when they had been committed.

The vast majority of the 5,000-10,000 individuals estimated to have been executed since the crackdown on crime began in August, 1983 were charged with serious nonpolitical crimes. As in 1983, however, some of those executed in 1984 were charged with "counter-revolutionary" crimes.

### b. Disappearance

There were no reports in 1984 of persons being abducted or disappearing permanently at the hands of the security services.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

China's code of criminal procedure specifically prohibits the use of torture. However, to indoctrinate the public and deter crime, the authorities sometimes subject persons convicted of serious crimes to public denunciation and humiliation at "mass sentencing rallies." At these rallies, often attended by thousands of people (including the families and neighbors of the accused), the accused are denounced, and their sentences revealed to the crowd. Policemen force prisoners to keep their heads bowed as a mark of contrition. At the height of the anti-crime campaign in 1983, hundreds of persons convicted of capital offenses were paraded through cities after the sentencing rallies, taken to execution grounds, and shot. "Mass sentencing rallies" continued in 1984, but the frequency decreased compared to the outset of the campaign. Despite legal provisions that executions not be carried out in public, there were press reports of large crowds witnessing some executions at the end of 1983.

Chinese law provides for capital punishment for over 40 types of offenses, including crimes not generally punishable by death in other countries, such as embezzlement, theft, bribery, and pimping. Most of those executed thus far in the crime crackdown have been charged with murder, rape, or robbery.

The 1984 Amnesty International special report on China detailed allegations of prisoners' ill-treatment, especially during pretrial detention. Citing the cases of two dissidents, the report mentioned extended periods of solitary confinement and the use of hand-shackles day and night for weeks. General conditions in prisons and labor camps probably vary widely. In prisons visited by foreigners with official sanction, inmates live in a crowded but sanitary environment. Prisoners are required to work in prison factories or farms for six to eight hours a day under strict supervision.

### d. Arbitrary Arrest, Detention, or Exile

Chinese law details a series of procedures to be observed in the handling of suspects, including use of arrest warrants and time limits for detention during investigation and trial.

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There is no provision for preventive detention. Other guarantees in the law include the right to counsel. However, a defense attorney normally does not enter a case until after the police and procurator have finished their investigation and the defendant has been formally charged.

In July, 1984, the National People's Congress (NPC) Standing Committee approved amendments extending the period of detention during investigation from two to four months and the time limit for trials from one and one-half to two and one-half months. In principle, these changes applied only to "serious" cases and required that extensions be approved by provincial procuratorates or courts. Since Standing Committee decisions in 1980 and 1981 had granted temporary authority to provinces to set their own time limits, the NPC's action represented both a return to a national standard and a probable reduction in the time limits earlier specified by the provinces. The new regulations also authorized the use of bail for accused persons not considered "dangerous," but there have been no reports about its implementation, notwithstanding claims in the Chinese press that these amendments would "promote human rights." It remained unclear how strictly they would be enforced since detainees have been held indefinitely in the past despite existing legal limits.

The 1984 Amnesty International special report on China details the cases of dissidents arrested between 1978 and 1981, many of whom were detained for periods of over one year before being tried. They were typically charged with offenses such as "counter-revolutionary propaganda and agitation"; organizing or taking part in a "counter-revolutionary group," and incitement "to resist arrest or violate the law and statutes of the state." Some of these persons were held incommunicado following their arrest and their whereabouts not divulged. Although family members were eventually notified of their arrests, the detainees were not allowed to see their family members for a considerable time, if at all. There were no reports of such political dissidents being arrested in 1983 or 1984, but most of those incarcerated earlier remain in prison.

Under "labor education" provisions, those who commit "minor theft or fraud" or who have been expelled from their work units may be deprived of their civil liberties and subjected to "education through labor" for up to four years without trial. This non-judicial sentencing procedure has been used frequently against political dissidents. Judgments are handed down by a public security office in consultation with representatives of local civil affairs units. The authorities made extensive use of this provision during the initial phases of the crime suppression campaign in 1983 to round up alleged hooligans, many of whom had their urban residency permits canceled and were exiled to remote areas. In addition, the authorities in 1984 continued to transfer more serious offenders (sentenced to "reform through labor") from prisons in coastal areas to labor camps in remote areas of Xinjiang and Qinghai. Even after they complete their sentences, most of these prisoners will be denied permission to return to their homes in the East, and will be expected to find employment and establish themselves as permanent residents of these underpopulated border regions.

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### e. Denial of Fair Public Trial

China's judiciary is nominally independent, but in practice follows party policy. Although there are not now any standing special political or security courts, the party has in the past stage-managed trials having political significance such as those involving prominent Cultural Revolution political figures.

Most Chinese trials are essentially sentencing hearings where defense representatives plead for clemency for their clients whose guilt, with very few exceptions, is not contested. The trials are preceded by extensive pretrial investigation and corroboration of testimony, and it is assumed that any individual who is brought to trial is guilty. Defendants in criminal cases may appeal both verdicts and sentences to the next higher level court. Appeals have resulted in both stiffer and reduced sentences for the accused.

The criminal procedure code requires that all trials be held in public, except those involving state secrets, juveniles, and "personal secrets." In practice, attendance at public trials requires an admission ticket obtained from organizations selected by the authorities. According to Amnesty International's special report on China, most trials of those it classifies as prisoners of conscience were held without advance notification of their families.

No reliable figures exist for the number of political prisoners in China, nor is there sufficient data to make an accurate estimate. For its part, the Chinese Government denies that it has any political prisoners and insists it imprisons only criminals and "counter-revolutionaries." The latter group includes some who had no clear political motive in breaking the law, but whose offenses (such as jailbreak or attacks on public buildings) were nonetheless classified as "counter-revolutionary." Overall, the number of such prisoners has dropped since the late 1970's, with the "reversal of verdicts" (often initiated through extra-judicial channels) of hundreds of thousands of persons sentenced as "counter-revolutionaries" during the Cultural Revolution, and through natural attrition. However, total inmate population in labor camps and prisons has increased since the anti-crime campaign, as tens of thousands of common criminals and persons considered socially undesirable have been processed through the courts. Estimates of outside observers on the number of labor camp inmates range from 100,000 to 10,000,000.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Extensive regulation of individual and family life is one of the distinctive features of the Chinese sociopolitical system. For most Chinese (particularly urban residents), life revolves around the work unit, which provides not only employment, but also housing, ration coupons, permission to marry and have a child, and other aspects of daily life. The unit, along with personnel in "neighborhood committees," monitors an individual's attitudes and behavior and may report suspicious activity to the authorities. The unit is the party's enforcer at the local level, but its considerable autonomy may also be used to ignore or obstruct directives from the top.

The authorities have instituted various controls on marriage and childbearing. The minimum age for marriage is 22 for men and 20 for women, high by world standards but lower than previous Chinese requirements. Each province sets guidelines for the desired number of children to be born during the year. These guidelines are often translated into rigid quotas at the unit level. Women must apply for permission from their unit to have a child. Although contrary to announced central government policy, many of those becoming pregnant without permission are reportedly coerced into having abortions, even in the later stages of pregnancy. Chinese authorities say they take prompt measures against local officials who violate the Government's policy, but there have been few reports of punishment of offenders. In public statements during 1984, family planning officials defended the right of women to have abortions but repeated the Government's opposition to any coercion. In July, a family planning official reiterated that the Chinese Government does not condone forced abortions or sterilizations, but admitted that coercion does occur in some areas. According to official Chinese statistics, about 78,000,000 abortions were performed between 1971 and 1982. The number of female sterilizations was 35,000,000 and the number of male sterilizations was 19,000,000 for the same time period. Despite government policy opposing coercion, credible reports suggest that many of these abortions and sterilizations were involuntary.

Although contacts between Chinese and foreigners have increased considerably, the authorities closely scrutinize such association. Chinese whose work does not require or permit contact with foreigners may be warned or detained and questioned if they persist in meeting foreign acquaintances. In December, a Chinese citizen who had been sentenced to three years of "education through labor" on charges of passing documents to an American in China was released in Beijing, six months early. The authorities in principle permit marriages between foreigners and Chinese, but specifically prohibit their citizens involved in confidential and other "important" work (such as diplomats and military personnel), as well as those serving prison sentences, from marrying foreigners. In practice, romantic liaisons between Chinese citizens and foreigners are strongly discouraged.

The criminal procedure code requires the use of search warrants for gathering evidence. There is no reliable information on whether this proviso is carried out in practice. There have been some reports of the use of electronic eavesdropping equipment to monitor suspected political dissidents.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The Chinese Constitution guarantees freedom of speech and the press, but in practice open criticism of the Communist Party or Chinese socialism is not permitted. The 1979-81 suppression of unofficial journals expressing such opinions succeeded in virtually eliminating publication of dissident views. The party carefully controls the print and broadcast media. Degrees of control vary from absolute, in the case of party organs such as the People's Daily, to "guided," for specialized publications dealing with nonpolitical topics.

With party sanction, newspapers routinely publish "Letters to the Editor" and feature articles exposing incompetence or corruption by low- or middle-ranking officials.

In October 1983, the authorities launched an ill-defined attack on "spiritual pollution," a campaign which eventually centered on certain areas of cultural activity and intellectual debate. Party officials criticized ideological and literary works which manifested Western liberal views, questioned party leadership, or were "pornographic." By the end of 1983, Chinese leaders had reined in the drive, and public references to "spiritual pollution" had ceased by the summer of 1984. A national writers' conference opening in Beijing in late December gave promise of a more liberal trend in official policy towards writers. A Communist Party official criticized excessive party interference in literary affairs, and said that writers must be free to choose their subjects and ways of expression, though he also made it clear that criticism of the socialist system would remain off-limits.

Despite official suspicion of foreign influences, the leadership has permitted greater, albeit still limited, access to various aspects of foreign culture. More foreign books and artistic works are available now than in past years. Selected subscribers in universities and other institutions receive foreign periodicals. Tens of millions of Chinese read the Reference News, an officially-controlled selection of largely uncensored translations from the foreign press. Coverage of foreign news in the open media has become more extensive and professional. Chinese listen freely to foreign broadcasts such as the Voice of America (VOA), and many universities use VOA and other foreign radio broadcasts in their language courses. There is no jamming. Chinese television broadcast about 80 hours of the Los Angeles Olympic Games, including live coverage of the opening and closing ceremonies. In its weekly programming, Chinese television includes some programs from Western and other countries; it recently signed a contract with CBS for a package of programs and commercials. Audiences in some major cities enjoy Chinese-language renditions of classical and contemporary Western plays, such as Eugene O'Neill's "Anna Christie."

In February, the authorities expelled the Beijing correspondent of the West German magazine Der Spiegel for allegedly smuggling cultural relics. The correspondent vehemently denied the accusation and charged the Chinese were retaliating for his reporting, which was occasionally critical of China.

### b. Freedom of Peaceful Assembly and Association

China's Constitution guarantees the freedom of peaceful assembly and association; in practice, however, the authorities severely circumscribe these rights. China has a wide variety and increasing number of professional and other associations, such as the All-China Youth Federation, the All-China Women's Federation, the Chinese Writers' Association, and the All-China Sports Federation. These groups operate with official sanction and are subject to party control. The authorities suppress groups which attempt to function independently of their supervision, as they did in 1979-81 with various dissident groups.

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Despite claims to nominal independence, China's trade unions are closely controlled by the Communist Party. The All-China Federation of Trade Unions (ACFTU) is the umbrella organization with which all trade unions must affiliate. With over 74 million members, the ACFTU enrolls about two-thirds of the urban work force. The Federation's prime function is to serve the state's interest by promoting labor discipline, enhancing labor productivity, conducting political and ideological indoctrination, and improving workers' educational and technical skills. Unions also perform a variety of social and welfare functions such as operating clubs, eating facilities, nurseries, schools, and sanatoriums. Their duties also include the promotion of workers' safety. Although government officials may consult trade union leaders on wage policy, unions have no power to engage in collective bargaining.

Chinese workers are not guaranteed the right to strike. Included in the 1978 State Constitution, this right was omitted in the 1982 revision as well as in the 1983 Trade Union Constitution. However, a trade union spokesman said in 1983 that this omission did not necessarily mean that strikes were illegal. He then described a narrow range of circumstances. (e.g., workers' safety at risk) where strikes might be permitted for a brief time.

In the last several years, the ACFTU has moved actively to expand its international ties. Claiming to have contacts with trade unions in over 120 countries or regions, the Federation has stated its desire to establish links with foreign unions regardless of their affiliation with the International Confederation of Free Trade Unions, the Soviet-dominated World Federation of Trade Unions, or any other organization. The ACFTU's busiest bilateral program is with the Japanese labor federations Domei and Sohyo. Since China activated its membership in the International Labor Organization in 1983, an ACFTU official has served as China's workers' delegate to that body. This representative was elected to an alternate seat on the ILO governing body in 1984.

Since 1981, workers' congresses have been established in most of China's large and medium-sized enterprises. Created in principle to permit workers a role in enterprise management and selection of plant officials, the congresses have to date been largely ineffectual. The October 1984 party plenum's decision on economic reform, while calling for "centralized and unilateral leadership" of enterprises and "strict labor discipline," also says that worker participation in management must be ensured, but no specific steps to accomplish this have yet been announced.

### c. Freedom of Religion

Reversing Cultural Revolution-era attempts to eliminate all religious practice, China's reformist leadership opted in 1978 for a policy of limited religious toleration. China's Constitution guarantees freedom of religious belief and specifies that no organization or individual may compel citizens to believe or disbelieve in religion or discriminate against them because of religious preference. The Constitution also provides that religious bodies must not be subject to foreign domination. Aside from these provisions, official policy forbids religious proselytizing outside places of worship or believers' homes. Unpublished regulations reportedly also limit religious freedom to those over 18.

In some areas, religious instruction of minors is forbidden, and the young are discouraged from attending religious activities. However, this policy is widely ignored, particularly in minority areas, where the practice of religion is an integral part of daily life.

The authorities have required all religious bodies to affiliate with eight national organizations representing four religions--Christianity, Buddhism, Islam, and Daoism. Of the five Christian associations, two are Protestant (the Protestant Three Self Movement and the China Christian Council), and three are Catholic (the Patriotic Catholic Association, the National Administrative Council of the Catholic Church, and the Catholic Bishops College). Together, these associations--with different functional responsibilities but overlapping leaderships--constitute the officially-sanctioned national Protestant and Catholic churches. Although all Protestant denominations were required to merge in the 1950's, congregations and individuals may follow preferences on such matters as forms of baptism. Since its separation from Rome thirty years ago, the Chinese Catholic Church has developed an independent theology and doctrines; for example, it rejects papal infallibility, continues to conduct services in Latin, and supports the state's policy on birth control and abortion. These five Christian associations and the three organizations representing the other religions ensure that religious bodies accept the leadership of the state and party.

Within the limits of official policy, religious activities have expanded in the last six years. Many religious institutions which were closed during the Cultural Revolution have reopened. In 1984, officials said there were 1,600 churches and over 20,000 mosques in service in the country. China's only Eastern Orthodox church reportedly opened this year in the northeastern city of Harbin--after being closed for 18 years. Many Buddhist and Daoist temples have reopened, often after being refurbished with government funds. In Tibet, 75 Lamaistic monasteries have been restored, and another 125 are under repair--still just a fraction of the 2,700 monasteries open before the Chinese suppression of the 1959 Tibetan uprising. Similarly, only a small number of monks have returned to monastic life, although more are being trained at a government-funded institute in Lhasa.

Since 1981, the authorities have permitted the establishment of seminaries to train a limited number of young people in religious orders. The Catholic church has its national seminary in Beijing, along with regional schools in Chengdu, Shanghai, Wuhan, Beijing and Shenyang. Apart from its national seminary in Nanjing, the Protestant church operates theological institutes in Shenyang, Fuzhou and Beijing. The Islamic Association operates a National Theological Institute in Beijing, while the Buddhist Association has institutes in Beijing, Suzhou, and Nanjing, as well as Lhasa. The religious associations publish a variety of religious materials for believers, including scriptures, teaching material, theological journals, and hymnbooks. Since 1980, for example, the Protestant China Christian Council has printed and distributed over 1.3 million Bibles. Aside from appropriating funds for extensive renovation of temples, the Government provides other forms of direct and indirect financial support for religious bodies (e.g., tax exemptions for their rental income and cash subsidies to Muslims for observance of dietary law).

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The number of Christians has increased since 1978, with estimates of their numbers ranging from the official figure of six million to a more likely 10-20 million. Officials say there are 15 million actively practicing Muslims and that practitioners of Buddhism and Daoism run in the millions. This increase in believers has resulted in a severe shortage of places of worship, given the continued occupation of most pre-Cultural Revolution churches and temples by factories, the military, and other units. As a result, many congregations are forced to meet in believers' homes. Since the older generation of religious leaders is slowly dying off, and the number of seminary graduates is still inadequate, there is also a pressing shortage of priests, ministers, monks, and imams.

Despite the greater freedom of recent years, the authorities still react harshly to unsanctioned religious activity. Some Christians prefer to worship outside the officially-recognized "patriotic" church system and instead meet in unsanctioned "house churches." The public security authorities have harassed these underground churches with measures including arrests in an attempt to force worshipers into an official church. In 1983, there were reports of arrests of 30 "house church" leaders in central China, 100 Christians in Henan Province, and two ethnic Koreans active in the Evangelical Church movement in Shanghai. In 1983, the National People's Congress Standing Committee authorized the death penalty for those organizing secret sects which spread "feudal and superstitious ideas." However, this provision did not appear aimed at mainstream religious activities, but rather at traditional animist and cult practices. In July 1984, for example, two Hubei residents were executed for organizing the "Emperor's Sect", which officials accused of spreading rumors of an impending calamity to undermine social order.

The Chinese Communist Party professes its adherence to atheism, and members are in principle expelled for religious affiliation. When persons with religious beliefs are barred from joining the Communist Party, they are excluded from many of the material, career, and other benefits which accrue to party members. However, some party members, especially members of minority groups, still manage to practice their religion.

Because of concern over divided loyalties, the Chinese authorities carefully monitor and control contacts between Chinese and foreign religious organizations. On the one hand, they encourage Chinese religious leaders to meet foreign counterparts and take part in international meetings. In 1984, for example, the president of the Chinese Buddhist Association attended the Buddhist World Fellowship Congress in Sri Lanka. Among the many foreign religious visitors traveling to China in 1984 was the Philippines' Jaime Cardinal Sin, who met with Chinese Catholic leaders. To gain support from important minority groups and create goodwill with Islamic nations, China in 1979 resumed giving permission to Muslim citizens to make the Hajj. Over 1,200 Chinese made the pilgrimage to Mecca in 1984, a sharp increase over previous years.

On the other hand, the Chinese Government insists that the country's religious bodies must be independent and warns against foreign attempts to interfere in Chinese religious affairs. The Government prohibits missionaries from practicing among Chinese citizens but has allowed some foreign clergymen to enter for brief periods to serve the resident foreign community. Foreigners with acknowledged ties to overseas religious institutions are permitted to work in China, with the understanding that they not engage in open proselytizing of their beliefs.

The authorities' principal concern with alleged foreign interference lies with the Vatican. Relations continue to be chilly because of Rome's recognition of the Taiwan authorities as the "Republic of China" and because the officially sanctioned Chinese Church does not recognize the Vatican's authority. Chinese priests who maintain their loyalty to the Pope are subject to arrest and imprisonment. The most recent case occurred in late 1983 when a provincial court sentenced the 76-year-old Bishop of Baoding, Peter Joseph Fan Xueyan, and his 70-year-old Vicar-General, Monsignor Huo Binzhang, to ten years' imprisonment for maintaining links with the Vatican. The authorities arrested over ten elderly priests and laymen in November 1981 on similar charges; many of them had previously been imprisoned for maintaining relations with the Vatican. Several members of this group were tried in 1983 and sentenced to prison terms of up to 15 years. One of the priests, Father Zhu Shude, died of natural causes in a labor camp in December 1983. Gong Pinmei, former bishop of Shanghai and another prominent Catholic clergyman loyal to Rome, has been incarcerated since 1955.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Travel within China is subject to various formal and informal restrictions. Chinese citizens must have a written letter of introduction from their work unit to buy airplane tickets, secure hotel accommodations, or acquire ration coupons for purchase of basic food items in areas outside their places of residence. Those traveling by rail who plan to stay with relatives need not obtain letters of introduction but are still required to register with local police during their visits. With their higher income levels (particularly in the countryside), Chinese are traveling ever more frequently within the country, sometimes ignoring these bureaucratic requirements without much difficulty. This increased mobility prompted the authorities, out of concern for social order and public security, to announce in April the phased adoption of the country's first nationwide identity card system.

Chinese citizens cannot freely change their locality of residence or workplace. They are registered as residents of a particular jurisdiction, and the authorities normally grant permission to move to another locality only for a change in employment. In practice, rigid personnel policies, most notably the unwillingness of units to sanction an employee's transfer, make it difficult to change jobs. The authorities have called for and taken some initial steps towards reform of the personnel system, aiming at greater mobility among scientists, technicians, and certain other professionals. As part of efforts to develop commerce and industry in rural areas, the State Council issued a circular in October which authorized peasants to establish businesses in rural towns. However, strict policies regulating rural to urban migration continued.

## CHINA

With the relaxation of controls on foreign travel and emigration since the late 1970's, tens of thousands of Chinese now go overseas every year to study, conduct business, or visit relatives. The trend toward looser controls continued in 1984. In November, the Government announced that the state-financed students sent abroad would be increased by 1,000 to 4,000 in 1985. In December, some of the restrictions applicable to students able to secure financial support for studies abroad from non-governmental sources were abolished. In 1983, around 30,000 Chinese were studying overseas, of whom almost half were in the United States. The U.S. Embassy and Consulates in China issued 24,000 non-immigrant visas in fiscal year 1984, compared with 16,000 the previous fiscal year and rejected applications from more than 5,000 other Chinese applicants who had secured Chinese travel documents but who were unable to overcome the presumption of the U.S. visa law that they were intending immigrants.

During the same period, close to 13,000 U.S. immigrant visas were issued in China, compared with about 6,000 the previous year, with over 60,000 applicants currently on the waiting list. The Chinese Government has also permitted several hundred individuals with dual Chinese-American citizenship to leave for the U.S. using Chinese documentation. Other Western countries have experienced similar increases in Chinese travel and emigration. The trend towards looser controls on foreign travel notwithstanding, Chinese cannot go abroad as a matter of right. A significant number of Chinese who apply for passports are refused, but no statistics are available. Chinese permitted to leave the country are allowed to return.

China does not revoke the citizenship of political dissidents. On the contrary, the authorities have welcomed the return for permanent residence of Chinese who had fled their homeland earlier in fear of Communist rule; such persons are also welcomed back for brief visits or to establish residence. An estimated ten million overseas Chinese, including some political opponents and refugees from the regime, visited China in 1984 for business or tourism.

Since 1978, over 270,000 refugees from Vietnam and Laos--most of them ethnic Chinese--have resettled in China. The vast majority of these refugees arrived before 1980; the number of new arrivals has dropped to around 100 per month in the last two years. Since 1983, the authorities have also resettled over 2,000 ethnic Chinese permanent residents of the Mongolian People's Republic, who were expelled by that country's Government. There were no known cases of forced repatriation of refugees, nor have the authorities sought to obstruct voluntary repatriation or resettlement abroad by refugees.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Chinese Communist Party (CCP) is the unchallenged source of political authority and decision-making in the country. Within the party, power is divided among a group of top leaders in several key organizations, including the Politburo and its six-member Standing Committee, the Military Commission, and the Secretariat. The latter body has become increasingly dominant in policy formulation. Under the doctrine of "Democratic Centralism," these leaders at the top, after consultation within the party, make policy decisions which all party members are expected to support. Since this doctrine demands strict discipline, political debate and conflict can take place only through informal mechanisms or behind closed doors. Such mechanisms used by influential party members include the presentation of alternate points of view or criticism through thinly veiled allusions in the party-controlled press, selective enforcement of policies, exploitation of policy ambiguities, manipulation of news coverage, and informal and unpublicized debate at party and government meetings. Parties or groups which oppose the party or its policies are forbidden. Over the past five years, however, the CCP has promoted a modest rejuvenation of eight "democratic" parties (formed before 1949) as agents of its "United Front" policy. Admittedly subservient to the Communists, the parties function as channels through which the authorities seek to mobilize support among various constituencies the parties claim to represent: intellectuals, former industrialists, returned overseas Chinese, former KMT (Nationalist Party, the dominant party on Taiwan) military and civilian officials, and Taiwanese living on the mainland. As part of its efforts to give more visibility to these parties, the CCP increased their representation in the National People's Congress and Chinese People's Political Consultative Conference in 1983, and they have been allowed to reestablish party newspapers and to recruit new members. Although the CCP periodically consults with the representatives of these minor parties on important issues, the parties, whose membership totals only 120,000, have little discernible impact.

The National People's Congress meets once a year for about two weeks to debate and approve government policies and personnel changes determined in advance by the Communist Party. The Congress has never rejected a government policy, although some have been modified as a result of delegates' concerns expressed behind the scenes. More important than the Congress as a whole is its Standing Committee, which meets several times a year and has the power to approve laws. Drawing on six specialized committees formed in 1983 to monitor the Government's performance, the Standing Committee played a somewhat more vigorous role in 1984, for example, by reportedly making suggestions for amendments to laws drafted by the State Council.

China conducted nationwide elections to city, district, and county-level People's Congresses in 1984. In these contests, Chinese voted directly for their representatives, who serve three-year terms. In compliance with the election law, candidates exceeded the number of delegates to be elected by a ratio of up to two to one. Election Committees (composed of CCP and "Democratic" party members, representatives of party-controlled mass organizations, government officials, and others) selected the candidates, but with close Communist Party supervision. In accordance with the party goal of increasing non-CCP representation, about 40 percent of the victors were not members of the Communist Party, according to partial statistics. In the countryside, the authorities also staged direct elections for Township People's Congresses using similar procedures.

Women have scored few breakthroughs in the male-dominated political establishment. At present, only one of 24 full members of the Politburo is female, while just three women serve among the 42 ministers in the Central Government. About 20 percent of People's Congress delegates are female.

Participation by women increases somewhat at the provincial level and more noticeably at the local level. The 1983 nationwide reshuffle of provincial leaders included the selection of China's first female Governor. Looking to the nation's future leaders, CCP General Secretary Hu Yaobang mentioned one woman (alternate Secretariat member Hao Jianxiu) among five officials being groomed for top leadership posts.

Minority ethnic groups--who account for 6.7 percent of the population and are concentrated in border areas like Xinjiang, Tibet, Guangxi, Yunnan, and Inner Mongolia--are permitted a limited degree of autonomy. At its 1984 plenary session, the National People's Congress adopted a National Minorities Law--essentially a compilation of post-Cultural Revolution policies and practices with few new departures. Like the State Constitution, the new law provides that government heads of autonomous regions, prefectures, or countries should be members of the locally prevalent minority. Although vague on the extent of political autonomy for minority areas, the law clearly sets forth their rights to enjoy and develop their own cultural traditions, use their own language, and practice their own religion. Party policies have reportedly resulted in a 30 percent increase from 1978 to 1983 in the number of minority persons holding government and party positions. Nonetheless, the posts of party First Secretary in the autonomous regions and other key positions continue to be held by Han Chinese. Moreover, the more liberal minorities policy has not eliminated friction between the Han and minorities in Tibet and other areas.

The leadership's liberalization of political, economic, and social policies towards Tibet was reiterated by a February 1984 Forum convened by the Secretariat. One result has been the rehabilitation of many members of former Tibetan aristocratic families, whose property is being restored, and who are given figurehead positions in the Tibetan regional government. Three representatives of the Dalai Lama visited Beijing during October and November to discuss a possible visit by the exiled spiritual leader. At the conclusion of their visit, the representatives issued a statement ruling out a 1985 visit by the Dalai Lama to Tibet, but leaving open the possibility of a trip to other parts of China, including areas where ethnic Tibetans live. These discussions took place against the background of arrests and executions in 1983 of some Tibetans, which the Dalai Lama's representatives said included political dissidents. The Chinese government denied these allegations, saying the arrests and executions were part of a nationwide crackdown on common crime.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

Amnesty International issued a study in September 1984, entitled "China: Violations of Human Rights," its most extensive treatment of China since 1978. In that report, Amnesty International listed its main concerns in China as: arrest and imprisonment of prisoners of conscience, and the existence of legislation providing for their detention; prolonged detention without trial; inadequate trial procedures; ill-treatment of prisoners and poor conditions of detention; and the extensive use of the death penalty. Freedom House described China in 1984 as "not free" and rated it a "six" on a descending scale of one to seven for both political and civil liberties. There are no known organizations within China which monitor or comment on human rights conditions.

The Chinese regard their human rights record as a matter of their internal affairs, and see no justification for foreigners to express concern about alleged violations. When asked about the 1984 Amnesty International report, a government spokesman said only that China has no political prisoners in its jails, just criminals and "counter-revolutionaries." Amnesty International reported that its representatives and Chinese officials have met in New York and Geneva over the past two years. Amnesty International added, however, that the Chinese Government had failed to respond to repeated requests to comment on the organization's concerns contained in a 1983 memorandum to the Chinese Government.

China is a member of the United Nations Commissions on Human Rights and on the Status of Women. In addition, the Chinese Government has acceded to several international conventions or protocols in the Human Rights area, including those on refugees, women, and apartheid. In 1984, China hosted a United Nations Conference on Juvenile Crime and permitted conference participants to tour a juvenile detention center--the first United Nations group to do so. China has not been the subject of human rights investigations by official international organizations.

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

China's population of 1,031,563,000 enjoys basic standards of health care and nutrition. State-supplied medical services are available at little or no cost. According to the World Bank, China's caloric supply exceeded nutritional requirements by three percent in 1979; consumption of non-staple foods such as meat, poultry, and vegetables has increased rapidly since that time. Standards, however, remain significantly better in urban areas than in the countryside, and better in coastal provinces than in those inland. The 1982 infant mortality rate varied from 13 per 1,000 in the cities to 22 per 1,000 in the countryside, according to Chinese statistics; 1984 World Bank data estimates China's overall infant mortality rate at 50 per 1,000. Life expectancy is 68 years, above the world average. Regional variation in life expectancy ranges from 72 years in some northern and eastern provinces or municipalities (Beijing, Tianjin, Shanghai, and Liaoning) to 59 in the Southwest (Sichuan, Guizhou, and Yunnan).

With 94 percent of eligible school children enrolled in the first year of primary school, the Chinese Government is progressing toward its goal of attaining universal primary school education by 1990. However, the quality of rural education--which mainly consists of primary education--lags far behind that which is available in the cities. Around 30 percent of young people in the relevant age group complete high school, and around five percent of high school graduates attend college. The 1982 census placed adult literacy (defined as knowledge of 1,500 Chinese characters) at 76.5 percent of the population.

Housing is crowded and poorly constructed in both urban and rural areas; rural localities frequently lack basic amenities such as electricity and running water. Rents are extremely low, averaging about 1.4 percent of an urban dweller's income. Although most peasants own their own homes and thus pay no rent, they spend about 8.4 percent of their income on housing. Construction of housing units is a priority item in the Government's economic plan. According to the Ministry of Urban and Rural Construction, the Government built 370 million square meters of housing from 1979 to 1982, but 50 million city-dwellers (one-third of the urban population) were still awaiting new housing in 1983.

With about one-fourth of the world's population squeezed into about seven percent of its arable land, China's leaders have made population control one of their top priorities. To achieve its goal of limiting the nation's population to 1.2 billion in the year 2000, the Government has instituted a strict family planning policy which sets a norm of one child per family and is backed by a massive educational campaign as well as incentives and disincentives. Benefits accruing to couples who agree to have only one child include free medical care and education for the child, priority for housing and job assignments, cash bonuses when declaring an intention to have only one child, and a monthly stipend of five to ten percent of base wages paid until the child is 14. Couples who violate the one-child limit frequently face intense social pressure or coercion, fines, difficulties in securing their share of officially-allocated housing, and denial of free medical care and education for the second child. More rigorously enforced in the cities than the countryside, these measures helped reduce the population growth to 11.54 per thousand in 1983. In July, a spokesman for the State Family Planning Commission said the "one-child" policy would end in 2000 provided the nation's population did not exceed 1.2 billion. Government guidelines issued in 1984 listing categories of couples permitted to have a second child suggested some relaxation in family planning policy.

The one child policy, institution of "responsibility systems" in the countryside, and traditional preference for boys have combined to cause a revival of the practice of female infanticide. Some top officials, including Premier Zhao Ziyang, have publicly condemned the practice. Although Chinese officials acknowledge that it is a problem, they claim it is not widespread and insist that China's ratio of newborn boys to girls is normal. They have warned the public that infanticide is illegal, and state that courts have sentenced perpetrators to prison terms ranging from 3 to 13 years. According to Chinese authorities, local officials are now encouraged to give special treatment to peasant families who have baby girls, and the bonus for one-child families with a girl is 80 yuan, 30 yuan more than for families with one boy.

The Constitution endorses the principle that all citizens are equal. In the socioeconomic realm as in politics, however, women lag behind men despite progress in recent years. Female participation in the labor force has increased rapidly in the past generation, reaching 36.5 percent of urban workers in 1983. Yet, women are concentrated in sectors such as light industry, where wage rates are lower. Despite increased educational opportunities, the percentage of females in school drops from 43 in primary grades to 26.2 percent of all students in universities; 70 percent of illiterates are women. Notwithstanding stiff punishment and official discouragement, selling of women and other traditional practices, such as arranged marriages and heavy dowries, continue to be reported from time to time.

Minorities have benefited from the party's more liberal programs for them, which include special treatment in marriage and family planning, employment, and university admission. The Minority Nationalities Law passed in 1984 stressed the Government's commitment to increased economic development in minority areas. Nonetheless, the standard of living of minorities--most of whom live in poor, remote areas--remains far below that of their Han compatriots. Previous discrimination against those with suspect backgrounds, including intellectuals and former capitalists, has been significantly curtailed in recent years.

One of the poorer developing countries, with a 1982 per capita GNP of US $302, China has nonetheless experienced rapid growth in recent years. In 1983, national income rose by nine percent. The official cost-of-living index rose by two percent in 1983, although many foreign observers believe the rate may have been closer to ten percent. Urban unemployment and underemployment is a serious problem, particularly among youth. The rapid growth in the number of collectives (production units owned by employees) and of the self-employed has helped greatly to alleviate unemployment. Together, these two categories of workers accounted for 56 percent of the 1983 increase in urban employment, although the state sector (accounting for 75 percent of the urban work force) remains dominant.

The Communist Party launched a massive economic reform program at the Central Committee's October plenum which will move China further away from the Soviet economic model. Building on the success of earlier agricultural reforms, the new reform plan envisions a relaxation of state control over a substantial portion of the industrial and services sector, while retaining a core of centrally planned economic activity. The reforms, to be phased in over five years, call for looser planning, rationalized prices and wages, and decentralized enterprise management. Although the economy will remain socialist, these initiatives will accelerate the move of recent years towards a more decentralized economy with greater freedom for market forces and individual initiative. The Third Plenum initiatives may also result in increased prices and wages as well as income differentials.

Reforms already in place in the countryside allow individuals to have more of a voice in what and how much they produce. Communes are being dismantled and replaced by township governments. While land remains collectively owned, over 95 percent of rural production brigades have adopted "responsibility systems" which allocate the use of land to individuals or households for periods of up to 30 years and allow them to make their own production decisions after state quotas are met. In addition, some 15 percent of agricultural land is farmed as private plots. Free markets, where goods are sold directly by peasants, are now a common feature of life in both urban and rural China.

Television sets, radios, sewing and washing machines, refrigerators, bicycles and other consumer goods can be owned by individuals and passed on to descendants. The authorities now consider housing to be a consumer good which may be privately owned. While houses in the countryside have been individually owned for some time, the authorities have begun to experiment with transferring ownership of state-built apartments to the occupants. In 1984, the Government extended this program from the initial four cities to another 80, including most major population centers.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: CHINA, PEOPLES REP

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 0.1 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.1 | 0.0 | 0.0 |
| A.AID ................. | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 0.1 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.1 | 0.0 | 0.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.1 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.1 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS....... | 0.0 | 0.0 | 0.0 |
| NARCOTICS......... | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| | | | |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| | | | |
| III.TOTAL ECON. & MIL... | 0.1 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.1 | 0.0 | 0.0 |
| | | | |
| OTHER US LOANS.......... | 60.4 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 60.4 | 0.0 | 0.0 |
| ALL OTHER............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 78.7 | 624.9 | 1039.5 | 1975.8 |
| IBRD | 0.0 | 463.1 | 616.0 | 1179.1 |
| IFC | 0.0 | 0.0 | 0.0 | 0.0 |
| IDA | 60.0 | 150.4 | 423.5 | 733.9 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 18.7 | 11.4 | 0.0 | 55.8 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 7.0 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## TAIWAN

Taiwan's polity is dominated by the Nationalist Party (Kuomintang or KMT) in what is essentially a one-party authoritarian system, although there is a vocal opposition with a wide range of popular support. The Taiwan authorities, who claim to be the government of all of China, maintain the full array of central political bodies originally established on the Chinese mainland under the 1948 Constitution. In some ways these are vestigial, but supplemental elections have increased their vitality by bringing the addition of younger members in recent years. In particular, the Legislative Yuan is evolving into a forum for questioning policy, though still lacking power to change it. In addition to these central bodies, a range of functioning democratic institutions from the village to the province level has been created in Taiwan. Nevertheless, effective power remains in the hands of the small leadership group from mainland China whose members came to Taiwan after World War II. This aging elite runs the KMT, the military, the security apparatus, and the executive bureaucracy, under a limited Constitution whose major democratic provisions have been circumscribed by the martial law provisions enacted in 1949. The authorities justify martial law as necessary to counter the threat of military action or subversion from mainland China.

Throughout the past 34 years, Taiwan's authorities, while firmly controlling the political system to ensure stability, have promoted economic development. Taiwan's vibrant, largely free enterprise economy has been one of the fastest growing in the world in recent decades. Its per capita gross national product of over $2,673 ranks fourth highest in East Asia and is accompanied by high standards of education, health, and nutrition.

Political evolution has occurred on Taiwan, but it has not kept pace with economic development. Human rights are publicly endorsed, but incompletely realized. Although tolerated, opposition activity is restricted. The expression and publication of opposition political views is controlled and opposition activities are monitored, both at home and, apparently, abroad. Native Taiwanese, descendants of Chinese who migrated from the mainland in the seventeenth and eighteenth centuries, dominate the private economy but, although they now constitute 85 percent of the population, are still underrepresented at the upper levels of the ruling elite. Dissatisfaction of many on Taiwan with mainlander domination has resulted in demands for more representative government. The increasing prevalence of higher education, foreign travel, and access to news from abroad has accentuated the felt need for political development, particularly among the youth.

In 1984, the dramatic human rights violations that have marred Taiwan's record in the past were absent. The slow trend toward human rights improvements continued. The authorities continue gradually to recruit increasing numbers of qualified Taiwanese to fill important economic, political, military, and security posts. The expanding, prosperous, and educated middle class displays a growing willingness to pressure the authorities about human rights issues.

The remaining 13 long-term prisoners at the Green Island Military Prison who had been convicted of sedition 30 years ago were released during 1984. The last of the Kaohsiung

Incident prisoners sentenced by civilian courts were released, while four who had been sentenced by military tribunal were given improved conditions after a brief hunger strike. In November, one of the latter, Lin Hung-hsuan, was transferred to the Green Island Military Prison.

In the first half of the year confrontation developed over the issue of press freedom when proliferating opposition publications printed a rash of articles on a number of traditionally sensitive topics. The authorities responded with increased bannings and confiscations. However, although there are strict limits to what is acceptable, critics of the political system and its policies have some freedom to express their views.

The unresolved conflict with the People's Republic of China (PRC) over Taiwan's future fuels local authorities' concerns which, in turn, influence human rights practices. However, the outlook for continued improvement in human rights appears favorable.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

There are no reports of any killings for political reasons taking place on Taiwan in 1984. The questionable circumstances surrounding the July 1981 death of Carnegie-Mellon Professor Chen Wen-cheng and the February 1980 murder of the family members of opposition politician Lin Yi-hsiung remain unresolved.

#### b. Disappearance

In recent years, there have been no substantiated reports of persons being abducted or secretly arrested by the security services.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Taiwan law specifically prohibits the use of torture. The Code of Criminal Procedure and the Military Trial Law state that an accused shall be "frankly" examined but that no violence, threat, inducement, fraud, or other improper means shall be used. Many observers point out that, in practice, individual members of the police or security forces at times resort to physical violence in interrogating suspects.

The May 1982 death in police custody of a Taipei taxi driver, Wang Ying-hsien, focused public attention on the use of physical violence by police in interrogating criminal suspects. Although Wang's death was officially declared a suicide, five policemen were eventually tried and sentenced for illegally arresting Wang and causing him bodily harm. However, no one convicted of wrongdoing in this case has yet spent any time in prison and the convictions are presently being appealed to the Supreme Court.

Taiwan's civilian prisons are severely overcrowded. According to an October 15, 1984, Ministry of Justice report, civilian prisons built to accommodate 15,983 prisoners were holding

22,908. Because of this overcrowding, prisoners are forced to share cramped living quarters and have few opportunities for work, exercise, and family visits. Even the opening of additional facilities has not provided adequate space.

In 1983, local officials and observers estimated that up to 40 percent of the inmates were serving sentences for writing bad checks. The improved economic conditions of 1984 have reportedly reduced this figure. The expected approval by the Legislative Yuan of a bill that will delete criminal penalties for writing or passing bad checks should further alleviate some of the prison overcrowding.

The security police-administered military prisons, where political prisoners are confined, are reportedly less crowded. Prisoners are said to receive the same food as soldiers and to have work and recreation opportunities.

Conditions for the Kaohsiung Incident prisoners have reportedly improved for those imprisoned for their involvement in events related to the December 1979 Kaohsiung Human Rights Day rally, which degenerated into a violent confrontation between police and participants. Eight participants were convicted of sedition in a military court and an additional 33 were convicted in a civilian court of lesser charges. A separate group of ten persons was sentenced by a military tribunal for harboring a Kaohsiung Incident fugitive.

By the end of 1984, all of the Kaohsiung Incident prisoners sentenced by civilian courts had been paroled or had completed their sentences. In May, 1984, four of the Kaohsiung Incident prisoners, who had been sentenced by military tribunals, launched a brief hunger strike to protest, among other things, their continued confinement and the conditions of their confinement. After abandoning the strike, the four were transferred to another military prison facility in June. According to relatives, they now occupy more spacious cells with better ventilation and have access to newspapers, television, and a writing desk. Relatives complain, however, that the remaining prisoners continue to be denied access to regular work programs and recreational activities. They also charge that health care is inadequate. The authorities deny these charges, claiming that curtailed activities and contact are aimed at protecting the prisoners from possible harm from other inmates and that medical care is the same for all prisoners.

On November 7, 1984 one of the four prisoners, Lin Hung-hsuan, was transferred to the Green Island Military Prison for what the authorities described as violations of prison regulations and activities which had a bad affect on the morale of other prisoners. According to the authorities, Lin refused to submit regular reading reports, ridiculed other prisoners' reading reports, spread untrue rumors, and violated the 300 word limit on the length of a prisoner's letters to his or her family.

### d. Arbitrary Arrest, Detention, or Exile

Taiwan's "habeas corpus" law requires that within 24 hours after the time of arrest, the arresting authorities notify in writing the individual and his designated relative or friend of the reason for his arrest or detention. The Code of Criminal Procedure, which does not apply to martial law offenses, specifies that the authorities may detain an accused person for up to two months during the investigation phase prior to the filing of a formal indictment, and for up to three months during the trial. During the investigation phase, however, the prosecuting officer may apply to the court for one extension of two months. The period of detention may also be extended during the trial. In recent cases, including the Kaohsiung Incident, the authorities generally have followed these procedures and extended the periods of detention. Exceptions occur more frequently in the military courts. Individuals indicted for relatively minor criminal offenses can, at the discretion of the judge, be released on bail.

Since the July 1982 revisions in the Code of Criminal Procedure, suspects are guaranteed the right to have a lawyer present during interrogation and to legal counsel during the investigation phase. In some cases, windows and even closed circuit cameras have been installed in police station interrogation rooms to permit lawyers and family members to view the interrogation without hearing the questioning. Lawyers are not permitted to provide legal counsel during police interrogation nor do the individuals arrested by security services have the right to have a lawyer present during interrogation. Furthermore, they do not have the right to legal counsel until after they have been formally indicted.

Other revisions enacted in July 1982 augment police powers, permitting the police legally to arrest without a warrant anyone they suspect of committing a crime for which the punishment would be five years or more in prison. Police power was further increased to allow them to call in suspects or witnesses for questioning without a formal summons. The authorities justify these new measures by insisting that the revisions only legalize long-standing police practices. Critics in the legal establishment, the press, and among elected officials have denounced these powers and called for their repeal.

Many minor crimes in Taiwan are handled under a statute which empowers the police not only to arrest but also to prosecute and punish offenders. This law sometimes has been used against political activists. The provisions of the statute empower the police to impose and carry out sentences of up to two weeks imprisonment.

### e. Denial of Fair Public Trial

Taiwan's legal system is based on European and Japanese models which do not incorporate trial by jury. Under a 1980 judicial reorganization, district and high courts were shifted from the control of the executive branch to the judicial branch, thereby formally separating the courts from the prosecution function. Taiwan legal circles generally hold that the change has given the judiciary somewhat greater independence. Over one-half of all eligible cases are appealed and reviewed. Informed observers characterize the judiciary as basically independent, although susceptible to pressure from the authorities on whom they depend for career advancement. Under martial law, which has been in effect in Taiwan since 1949, civilians who commit certain offenses, including sedition, may be tried in military courts. The authorities occasionally transfer "important" civilian cases (involving such crimes as homicide, kidnapping, and armed robbery) to the military courts. The authorities state that the military courts' swifter and generally more severe justice acts as a deterrent to potential criminals. Sentences meted out in the military courts are reviewed only within the Ministry of National Defense. Neither civil nor martial law specifically provides the defendant with protection from self-incrimination.

Following the traditional Chinese pattern, in a typical criminal court case parties and witnesses are interrogated by a single judge (in high court sessions by the chief judge) but not by a lawyer or prosecutor. The judge may decline to hear witnesses or to consider evidence a party wishes to submit. Court cases are generally heard through several brief court sessions. In high court appellate proceedings new evidence may be introduced and the judges's review of district court judgments covers both fact and law. Individuals convicted in cases where the sentence exceeds three years have the inalienable right to judicial review by the Supreme Court. Those tried in military courts do not have this right. The Supreme Court limits its review to the law of the case, and to specific procedural aspects.

The authorities deny holding political prisoners. Although exact figures on the number of political prisoners are not obtainable, in a written statement issued on June 18, 1984, the Executive Yuan (Cabinet) stated that 117 civilians tried by military court are currently serving their sentences in military penal facilities for sedition, revealing military secrets, corruption, and robbery. Prisoners such as the Kaohsiung Incident prisoners are classed among those in the "sedition" category. The authorities define sedition as opposition to basic policy. This includes expressing Communist sympathies, espousing views contrary to the authorities' claim to represent all of China, and supporting an independent legal status for Taiwan.

In January, the authorities released 11 long-term Green Island prisoners. With one exception, these prisoners had been imprisoned on Green Island since their 1950 conviction for sedition. Lin Shu-yang and Li Chin-mu, the two remaining prisoners convicted of sedition in the early 1950's, were released in December.

In 1984, the authorities granted early parole to four prominent Kaohsiung Incident prisoners who had been sentenced by military tribunals. On August 15, Reverend Kao Chun-ming, Lin Yi-hsiung, and Hsu Ching-fu were paroled. In addition, Ms. Lin Wen-chen, who had been on medical parole since September 1983, was granted regular parole status. Seven of the Kaohsiung Incident prisoners, all of whom were tried in military courts, remain in prison. One, as previously noted, was transferred to Green Island on November 7, 1984.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The daily life of an individual not actively engaged in politics is subject to only minor interference by the authorities. The authorities impose limits on the use of the Taiwanese dialect (the mother tongue of most inhabitants on Taiwan) on television and radio. Romanized Taiwanese versions of the Bible are not permitted. The authorities do not interfere with basic family matters such as the right to marry or have children as one chooses. Membership in the KMT, the dominant political organization, is a matter of free choice.

Access to institutions of higher education is based entirely on academic achievement.

Physical invasion of the home without a warrant is not common practice in Taiwan but does occur on occasion. As noted in Section 1.d., the Code of Criminal Procedure generally requires that searches be authorized by warrants, signed by a prosecutor or, during a trial, by a judge. However, exceptions to this rule have substantially increased following the July 1982 revision of the Code to provide for warrantless arrests under certain circumstances. When making such arrests, police may also search persons or property without prior authority.

Other types of violations of privacy, such as the monitoring of telephone calls, are widely believed to exist. The authorities deny that they monitor telephone conversations. In June 1982, the authorities declared "selective postal checks" necessary to intercept parcel bombs and illegal correspondence from the PRC.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The Constitution guarantees freedom of speech. Current martial law restrictions, however, significantly limit this right.

Individuals are not free to question publicly the regime's basic political policy of anti-Communism or its claim to sovereignty over all of China. Critics maintain that the security authorities monitor political expression, both in Taiwan and overseas.

Anyone who speaks favorably of Communism or the PRC, or questions the legitimacy of Taiwan's mainlander authorities by suggesting support for "Taiwan independence," can expect to be warned. If they do not desist, they are likely to be charged with sedition and tried in a military court. Nevertheless, since the 1983 Legislative Yuan elections, the concept of self-determination, which calls for substantially greater power to the electorate, and a variety of other sensitive issues which question the legitimacy or competence of the authorities, have been debated publicly.

There have been recent reports that Taiwan agents keep tabs on Taiwanese in the United States suspected of being pro-PRC or pro-Taiwan independence. The latter is the label often applied by the Taiwan authorities variously to those who favor a Taiwan independent of China, those who are pro-PRC, or those who oppose Mainlander/KMT domination of political life on Taiwan.

On October 15, 1984 Henry Liu, a U.S. citizen journalist of Chinese descent whose writing had often been critical of Taiwan's leadership and KMT governance of Taiwan, was murdered in the driveway of his Daly City, California home. According to Taiwan press reports, information which came to the attention of the Taiwan authorities as a result of an anti-gang sweep in November 1984 led to their announcement on January 15, 1985, that staff of the Intelligence Bureau of the Ministry of National Defense (IBMND) were implicated in the

Liu case. The authorities suspended the head of the IBMND, ordered an immediate investigation of alleged IBMND involvement, and reaffirmed their commitment to cooperate with U.S. law enforcement authorities investigating the Liu case. Those investigations continue.

Debate over the limits of parliamentary immunity erupted in March 1984, when it became known that the Executive Yuan in November 1983 had advised the Ministries of Defense, Justice, and Interior that parlimentarians could be held liable for those opinions they expressed in the Legislative Yuan which are later used by them or others in books or speeches. Members of the opposition objected that the Executive Yuan had no legal right to interpret a constitutional issue such as parliamentary immunity and was actually trying to clamp down on the opposition's practice of citing hard-hitting statements made in parliamentary bodies to bolster political speeches and articles. Furthermore, they argued that to be held liable for a third party's improper use of their remarks made in the Legislative Yuan makes parliamentarians hostage to the actions of others. The issue is now before the Supreme Court for adjudication.

All major newspapers are owned by the authorities, the KMT, or high KMT officials. There are, however, a variety of smaller, privately-owned, and independent newspapers. Control over the daily newspapers is often exercised indirectly, through guidance from the local authorities' information office, the KMT and, as in the past several years, by freezing the number of newspaper licenses. In addition, reporters and editors exercise a considerable degree of self-censorship. Nevertheless, newspapers have expanded their coverage of sensitive subjects, such as news from mainland China and controversial views of U.S. citizens of Chinese origin.

Censorship of publications is carried out through provisions of the Publications Law, which empowers the security police to seize or ban printed material that "confuses public opinion and affects the morale of the public and the armed forces." As interpreted by the authorities, this covers a wide range of topics, including articles that discuss possible leadership changes, question the legitimacy of KMT rule, criticize Taiwan's foreign policy, or merely reveal behind-the-scenes news that is potentially embarrassing to the leadership.

Although the limits of acceptable criticism are not clear-cut, opposition publishers generally know when an issue of their magazine is courting a ban. They select their material cautiously but are willing to court banning in order to test the limits. There are political, and even sometimes financial, rewards for being banned. A ban of a single issue guarantees a sellout if the ban occurs after the magazine has been distributed. Or, if the magazine is seized at the printer, publishers have been known to arrange a "pirate" version of the banned magazine. Most publishers have several titles registered with the authorities so that, in practice, publications hit by lengthy bans, such as one year, are quickly resurrected under another title.

Since 1982, the authorities have allowed an increase in the number of domestic political opinion magazines, many of which support non-KMT politicians and criticize the ruling party. The magazines are an important forum for getting opposition views across to the public since there is a limit to the number of newspaper licenses available (31), and all are presently taken. The number of issues of non-KMT magazines mushroomed in 1984, as five of the seven established periodicals changed from a monthly/fortnightly format to a weekly one. In addition, at any one time a half dozen new periodicals (often short-lived) were making their debut on the newsstands. This dramatic rise in the quantity of publications was accompanied by a similar jump in the tempo of bannings. According to unofficial statistics, from August 1, 1983, to August 1, 1984, the authorities banned a total of 13 magazines for one year, plus 40 individual magazine issues, a significant increase over the same period in 1983. According to opposition publishers, banned magazines are more subject to partial or full confiscation than in past years. Opposition publishers report that full confiscation of one issue can result in a $7,500 loss--a considerable sum for many of these publishers.

The authorities argue that most banned issues--particularly those banned from March to July 1984--carried poorly researched articles which distorted facts and sullied the reputation of many leading KMT figures. By August, the confrontation had abated. Opposition publishers toned down this "sensationalism" and the authorities eased the pace of their bannings. Critics of the regime denounce censorship as simple political harassment. The heavy pace of bannings sparked a renewed cry in publishing and political circles (both KMT and opposition) for a detailed set of publishing guidelines. These guidelines have not been, and are unlikely to be, established.

The authorities occasionally ban books. Although the writing of pre-World War II Chinese pro-Communist authors are formally banned, a few of their famous works are obtainable.

Foreign publications are available but are also subject to censorship. Sometimes pages carrying articles offensive to the authorities are removed or blacked out before they are distributed. Some foreign publications are available through subscription only and are not allowed to be sold on newsstands. From time to time an entire issue will be withheld from distribution.

The authorities partially or wholly own all three of the island's television stations. Nonetheless, competition among them, as well as competition with the print media, has led to a general gradual expansion of the coverage of sensitive topics, both domestic and international. Public opinion has also played a role in expanding media coverage. During the Los Angeles Olympics, public pressure pushed the television stations to report more fully, as did the newspapers, the performance of PRC athletes.

### b. Freedom of Peaceful Assembly and Association

Freedom of assembly is guaranteed by the Constitution. In practice, permits are generally issued for non-political assembly. Public assembly for political purposes, except during elections, is often prevented under martial law provisions. During the first half of the authorized 15-day campaign period preceding the 1983 elections, all candidates were allowed to hold rallies, although these were closely monitored by the authorities. During the second half of the 15-day period, campaigning was limited to highly structured, officially sponsored rallies in which both KMT and opposition candidates participated.

The revised election and recall law, which the Legislative Yuan passed on June 28, 1983, prohibits holding campaign rallies in any form prior to the authorized 15-day period. The law also outlaws joint rallies of two or more candidates during the campaign period, except for officially sponsored rallies. Opposition politicians have been sharply and openly critical of these measures, claiming they hinder their ability to reach the electorate.

A 1983 survey conducted by National Taiwan University reports that 22.5 percent of the labor force holds union membership. By and large, labor unions generally do not exercise significant influence either in the economic or political spheres. However, according to the reports of informed observers, union officials serving in the Legislative Yuan did play an important role in negotiating the difficult July 19, 1984, passage of the more liberal benefits provided for under the 1984 Labor Standards Law. The law improved standards for working hours, salary benefits, worker welfare, and retirement for over 3 million workers.

Walkouts and strikes are prohibited under martial law. Collective bargaining, although provided for by legislation, does not in fact take place. Individual factory unions do, however, facilitate the resolution of disputes. It is generally believed that labor unions--especially general federations--have close ties with the ruling KMT. Taiwan's largest federation, the Chinese Federation of Labor, maintains contact with the International Confederation of Free Trade Unions.

### c. Freedom of Religion

The Constitution guarantees freedom to practice religion. This guarantee is observed in practice. All denominations have full freedom to pursue their purely religious activities. Most Taiwan inhabitants adhere to Confucianism, Taoism, Buddhism, Animism, or a combination of these beliefs. Other religions include Christianity and Islam. There is no state or favored religion. Some marginal Buddhist sects and Sun Myong Moon's Unification Church have been banned in response to parents' complaints that these groups were exercising a corrupting influence on Taiwan youth.

Kaohsiung County authorities have been involved since 1980 in a dispute with a denomination called the New Testament Church over the right of church members to settle on a tract of land in southern Taiwan near Kaohsiung. After the authorities evicted church officials and followers from a tract of leased public land, the church accused them of engaging in religious persecution. Kaohsiung County authorities contend that the church violated the terms of a 10-year lease, thereby making it necessary to evict them. District and high courts have upheld this position. Seven church members were sentenced to six months imprisonment for refusing to vacate the disputed area. In August 1984, the Supreme Court upheld these convictions.

## TAIWAN

While generally respecting the right to practice religion, the authorities have brought pressure to bear against religious organizations they consider to be involved in unacceptable political activity. The Presbyterian Church in Taiwan, (PCT), which has approximately 190,000 members and is predominantly Taiwanese, has been a prime target. In 1977, the church called on the authorities to "face reality and to take effective measures whereby Taiwan may become a new and independent country." Although the church did not reiterate this appeal in 1984, it did call on the authorities to "thoroughly implement democracy, respect human rights and safeguard the future of the people of Taiwan." These calls have put the church on a collision course with Taiwan's mainlander-controlled political establishment. The early parole of PCT General Secretary Reverend Kao Chun-ming, imprisoned since 1980 for harboring Kaohsiung Incident fugitive Shih Ming-te, has been taken by many as indication that the confrontation between the church and the authorities has moderated. However, relations, although improved, remain strained.

On June 26, 1984, the Tainan city government, acting on instructions of the Ministry of Education, ordered the Tainan Theological College of the Presbyterian Church of Taiwan to cease operations. The directive was ostensibly issued because the college failed to meet certain regulations regarding enrollment, curriculum, and diplomas. However, observers close to the issue have concluded that the order to cease operations stemmed in large part from the authorities' displeasure with the college for identifying with opposition activities. The order was rescinded in August following negotiations.

The authorities announced plans in 1984 to resubmit a revised draft of the "Law for the Protection of Religions." This will mark the fourth submission since 1979. Each time, strong opposition from all church groups on Taiwan induced the authorities to withdraw the draft. Critics note that past drafts gave the authorities the right to review the appointments of church officials, to ensure religious doctrines conform to "basic national policy" and to require foreign religious missions to pledge not to engage in non-religious activities. The authorities argue that the law's regulatory powers are necessary to ensure that religious activities do not jeopardize Taiwan's "national security." They have, however, declared that they will consult with representatives of Taiwan's various religious denominations before submitting a new draft law for legislative approval.

There were indications in 1984 that the authorities may have begun to adopt more stringent policies regarding the activities of foreign missionaries. Several missionary organizations have reported difficulties obtaining entry visas for new missionaries wishing to come to Taiwan. A visa for a new arrival reportedly is not issued until a resident missionary leaves Taiwan. The authorities maintain that there has been no attempt to restrict the number of foreign missionaries on Taiwan.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for the freedom to change residence. Except for military and other restricted areas, there is general freedom of internal travel in Taiwan.

## TAIWAN

Emigration and private travel abroad have become freer since 1979. In 1983, 674,578 Taiwan residents went abroad for tourism--a 5.3 percent increase over 1982. Since 1980, businessmen have been permitted to travel to, and do business directly with, certain Eastern European countries. Although travel to the PRC is officially prohibited, the authorities overlook some discreet travel to the mainland by people with clear anti-Communist credentials. After the last calendar day of the year in which they turn 15, males may not leave Taiwan until completion of compulsory military service.

Permission to leave Taiwan may be delayed or withheld, according to an April 11, 1984, statement by the Director General of the National Police Administration. In February 1984, the Entry and Exit Permits Control Bureau currently had instructions to block exit permits for more than 6,000 persons. According to statistics released by the National Police Administration, those prohibited from leaving Taiwan include: 1,482 persons involved in tax cases, 1,761 involved in civil or criminal cases, 452 involved in economic crimes, and over 2,200 involved in cases related to military service. The statistics also include 91 persons prohibited from leaving Taiwan by military prosecutors either for having had contact with seditious organizations or because they are cooperating in an investigation with security implications. Although outspoken critics in the past have been denied exit visas, in recent years a number of persons openly critical of the KMT have been permitted to travel overseas.

In general, the authorities recognize the right of those Chinese who hold Taiwan passports, and who normally reside in Taiwan, to return from abroad. Those issued "overseas Chinese" passports do not automatically have the right to travel to Taiwan for permanent residence. In principle, Taiwan will not authorize the entry of Chinese between the ages of 16 and 75, even those who have long held Taiwan passports, if they have lived in Communist-controlled areas within the preceding five years.

On January 19, 1984, the Executive Yuan authorized the appropriate authorities to detain or revoke Taiwan passports of persons whose behavior violates the interests of Taiwan, endangers security, public order, tradition, or Taiwan's economic interests. Critics of the measure protest that it gives the authorities the power to revoke the passport of any person who makes remarks overseas that are deemed inimical to Taiwan's interests. This, they argue, places undue restriction on the opposition's right to travel and to make their views known outside Taiwan. The authorities defend the measure as designed to curb the activities of economic criminals--tax evaders, persons engaged in illicit activities, and individuals who have left large debts behind in Taiwan. Although Taiwan authorities deny charges that political activities of Taiwanese residing abroad are systematically monitored, there are credible reports that prominent Taiwanese critics of the regime returning to Taiwan to live or visit have been intercepted at the airport by security agents and warned that they face expulsion if they participate in anti-regime activity while in Taiwan.

Under Taiwan's "Orderly Departure Family Reunification Program," since 1977 an estimated 5,183 ethnic Chinese from Indochina have been resettled in Taiwan, and 1,977 small boat refugees from Indochina have been granted "temporary" refuge.

All small boat refugees have resettled in third countries, with the exception of 57 who found sponsors and resettled on Taiwan. Another 94 small boat refugees live in a refugee camp awaiting resettlement. The authorities report that there have been no refugee cases from non-Communist areas. They advise that any such instances would be dealt with on a case-by-case basis. Refugees are not forced to return to their country of origin.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Effective political power resides with the aging KMT leadership which fled the mainland in 1949. Reflecting their claim to be the government of all of China, the authorities maintain not only a provincial and local government system, but also an array of political bodies identical to those found on the mainland prior to 1949. The locus of power on Taiwan is the Presidency, the Executive Yuan, and the KMT Central Standing Committee. This power is exercised by a small number of top figures in these organizations, particularly by the President. Although the number of Taiwanese in the Cabinet and the Central Standing Committee has been gradually increasing, they are not yet the power wielders within these bodies. Hence, although Taiwanese hold a number of prestigious positions--the Vice President, Vice Premier, a number of ministers, the Governor of Taiwan, and the Mayors of Taipei and Kaohsiung are all Taiwanese--their power individually, and even their collective influence, is limited. However, as representatives of the majority population, their views form an important consideration as the leadership decides on policies affecting the population. The Taiwanese have greater effective power at the local level, where they hold most of the executive and KMT party positions.

The most important elective bodies at the central level are the National Assembly, which convenes every six years to elect the President and Vice President, and the Legislative Yuan, which is the Parliament. There have been no general elections to these two bodies since 1948. Surviving mainland representatives elected in 1948 continue to hold their seats and to form the bulk of these bodies' memberships. Beginning in 1969, periodic "supplementary elections" have been held to choose additional representatives from Taiwan province and the off-shore islands (which are considered part of Fukien province). Nevertheless, only 1,036 out of 2,691 seats of the National Assembly are currently filled, including 75 supplemental members. Of the Legislative Yuan's current membership of 360 (compared to an original membership of 760), the supplemental legislators number 71 and constitute the most active group in the Legislative Yuan, due in most part to the advanced age and incapacity of those elected 35 years ago on the mainland.

The nature of the elective bodies continued to spark calls in 1984 by both opposition and KMT politicians, academicians, journalists, and legal experts for the National Assembly, the Legislative Yuan, and Control Yuan (similar to the U.S. General Accounting Office) to be made more representative of Taiwan's polity. The authorities are extremely reluctant to adopt any measures that might undercut the mandates of those parliamentarians who were elected on the mainland in the late 1940's as to do so could call into question the authorities' claim that these bodies represent all of China.

At various times over the past decade, prominent political and academic figures have called on the authorities to fill vacancies in these bodies by appointing or electing mainlanders living on Taiwan. In 1984, the National Assembly, acting in accordance with an earlier decision taken by a blue ribbon ad hoc committee, did not endorse any proposals to fill the vacancies. By delaying consideration of the issue until its next meeting--which is not scheduled until 1990--the National Assembly has implicitly paved the way for representatives elected on Taiwan to play an increasingly important role in parliamentary bodies. Political and academic circles hailed the decision as an important step toward making the political system more representative, since leaving vacancies open increases the proportion and influence of the supplemental members.

The authorities appoint the Taiwan provincial governor and the mayors of Taipei (since 1967) and Kaohsiung (since 1979). Nevertheless, elections pitting KMT, independent, and opposition candidates have been held regularly for the Provincial Assembly and all county and municipal level offices since 1950. Universal suffrage exists for citizens 20 years of age and over. Voter turnout--voting is voluntary--runs over 70 percent.

One party, the KMT or Nationalist Party, dominates Taiwan, as it has since 1945. There are also two nominally independent parties which came from the mainland. Although KMT structure and control mechanisms are based on early Soviet models, the party's operations are considerably more flexible. Party organs exist at all levels of the ruling structure, as well as in the military, schools, and other public institutions. People who arrived from the mainland after 1945 dominate the highest echelons of the KMT. Native-born Taiwanese predominate at local levels and are playing an increasingly important role in the middle and higher levels. Native Taiwanese comprise more than 60 percent of the KMT's total membership of approximately two million, and 66 of the 71 elected supplemental members in the Legislative Yuan are native-born Taiwanese.

In the 1983 Legislative Yuan elections, the KMT won slightly over two-thirds of the vote and 61 seats. The opposition and independents won six and four seats respectively. The opposition's influence exceeds its small presence. Its members are quite vocal in these elective bodies, which, in turn, provide important forums for the expression of opposition views.

New political parties are forbidden under martial law. Candidates who oppose the KMT in elections run as "non-party" (dangwai) candidates. Although not permitted to form a party, the dangwai politicians organized "Campaign Assistance Groups" at the central and regional levels to contest the 1983 Legislative Yuan elections. In 1984, the opposition established a "Dangwai Public Policy Research Association" (DPPRA) and the "Dangwai Writers and Editors Association." Officials of the former have stated that the authorities are opposed to the DPPRA and have not permitted it to register because the "Law Governing the Organization of Civic Bodies During the Extraordinary Period" permits only one organization per function to register; the authorities claim that because a Public Policy Research Association had been registered earlier in 1984, the DPPRA can not now be registered. On November 21, 1984, Interior Minister Wu Po-hsiung, in a statement to the Legislative Yuan, called for the DPPRA to disband. The press has reported that DPPRA officials are contemplating court action to challenge the constitutionality of the civic bodies law.

The opposition faces several disadvantages in the election process. The election law enacted in 1980 forbids the participation of students, formerly a prime source of campaign workers, and limits the campaign period to 15 days before an election. It allowed only officially sponsored joint rallies in the last few days before an election. The revised election and recall law enacted on June 26, 1983, abolished joint rallies and pre-campaign "get-togethers," campaign tactics favored by the opposition. The law also placed ceilings on campaign expenditures, political contributions, and the quantity of campaign paraphernalia. The opposition argues that these provisions further reduce its ability to compete with well-financed, well-organized KMT candidates, and hinder contact with the electorate. Oppositionists label as ineffective the newly adopted provisions penalizing candidates for vote buying and bribery.

Press self-censorship leads the media to give less publicity to the views of the opposition and thereby further handicaps dangwai candidates. Periodicals which have emerged as an alternative method for publicizing the views of opposition candidates are frequently censored and occasionally banned by the authorities.

The 1983 revisions to the election law also changed the method of indirect election of members of the Control Yuan (which exercises powers of impeachment, censure, and audit), two of whose 74 members are dangwai representatives. Under new election procedures, electors (members of the Provincial Assembly and various county and city councils) must cast their two mandatory votes for two separate candidates, thereby making it impossible for opposition members to pool their limited votes behind one candidate. Supporters of the revision maintain that it will eliminate vote buying in Control Yuan elections since election bribery would be too costly and complicated.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

In past years, Taiwan authorities have occasionally permitted representatives of international human rights organizations and private individuals interested in human rights issues to meet with appropriate officials. The authorities permitted several ethnic Taiwanese observers from two U.S.-based organizations, the Formosan Association for Human Rights (FAHR) and the North American Taiwanese Professors Association, to monitor the December 1983 Legislative Yuan elections. The FAHR observer was later expelled from Taiwan for activities which the authorities believed went beyond his role as election observer (he allegedly sought to expand the activities of his organization, which monitors the human rights situation of the ethnic Taiwanese majority from its U.S. base but which reportedly has no significant presence in Taiwan); the other election observers were reportedly not only permitted to monitor the election without interference but were assisted by the authorities in arranging meetings with key officials.

## TAIWAN

The nominally non-governmental Chinese Human Rights Association, a strongly anti-Communist organization that originally focused its attention on human rights questions in the People's Republic of China, recently began devoting more of its efforts to human rights in Taiwan. In the past, the Association has sponsored tours for lawmakers and legal experts to examine Taiwan's crowded prisons and has established a free legal aid service for Taipei residents. In 1984, the Association strongly urged the authorities to release all remaining prisoners at the Green Island Military Prison who have served 30-year sentences. Its efforts in this regard helped obtain the release of eleven of these long-term prisoners. The Association also acted as one of the mediators in efforts to resolve the May hunger strike by four Kaohsiung Incident prisoners. In September, the Association arranged for an impartial delegation to travel to Green Island to report on the condition of Kaohsiung Incident prisoner Shih Ming-te.

On December 9, 1984 a group of opposition lawyers, parliamentarians, scholars, and doctors established the "Taiwan Human Rights Association (THRA)." The authorities have stated that the Association cannot be recognized because it has not been registered in accordance with the "Law Governing the Organization of Civic Bodies During the Extraordinary Period," which permits the registration of only one association per organizational function. In their statements to the press, the authorities have noted that the Chinese Human Rights Association has already been registered and therefore a second such organization may not legally be established. THRA sponsors argue that the civic bodies law is unconstitutional because it was promulgated before the constitution was adopted. In addition, they argue that the THRA will not focus on human rights concerns in the People's Republic of China (as they claim the Chinese Human Rights Association does), and therefore will fulfill a function different from that of the Chinese Human Rights Association. This dispute over establishment of the THRA had not been resolved by the end of 1984.

In its 1984 Report, Amnesty International stated that it had continued to appeal during 1984 for the release of 40 prisoners of conscience, was investigating the cases of some 70 other political prisoners detained for several years, and had investigated 9 reported arrests on political grounds and one report of torture. Freedom House lists Taiwan as "partly free."

### ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Taiwan has one of the strongest economies in Asia. Riding the upswing in the worldwide economic recovery, Taiwan's GNP ($2,673 per capita in 1983) was projected to grow 12 percent in 1984. The opportunity to participate in economic benefits is available to the population as a whole without discrimination.

The prospects for continuing economic well-being are favorable as the authorities work to shift the focus of Taiwan's export-based economy from labor-intensive to high-technology industries. Unemployment in 1984 averaged 2.2 percent.

## TAIWAN

Taiwan's fiscal 1984 budget allocated more than 30 percent of expenditures to education, science, culture, and social programs. Taiwan has developed an effective public health program. It can boast of a health clinic system throughout the island that comprises more than 11,000 medical care facilities. In 1983, for every 10,000 persons, Taiwan had 7.9 practicing physicians, 9.0 practicing nurses, and 30.9 hospital beds. Health promotion programs include maternal and child disease control and environmental sanitation. The infant mortality rate for 1984 was 20.3 per 1000. Major epidemic disease has been reduced, although limited outbreaks still occur. Safe water is accessible to 77.6 percent of the population. Because of these public health programs and a generally good diet (1983 per capita average daily caloric intake was 2740--the highest in Asia), life expectancy at birth has increased to 70 years for men and nearly 75 years for women.

Taiwan's population in 1984 was 19,063,000. Successful birth control efforts have brought the 1984 birth rate down to 1.5 percent. However, with a population density of 522 per square kilometer--the second highest in the world--the Taiwan authorities believe the birth rate must be lowered even more.

Education is one of the main concerns of the authorities and the population in general. Of the population over age six 90.4 percent is literate. Of school-age children, 99.8 percent are currently in school. Free compulsory education is available through junior high school. About 60 percent of junior high school graduates pass examinations and enter three-year senior high and vocational school programs. Entry into Taiwan's extensive system of higher education is also based on competitive exams, and departures from a strict merit system are almost nonexistent. In 1983, more than 17 percent of college-age youth (18-24 years) were enrolled as undergraduate or graduate students.

The few laws which discriminate against women relate mostly to divorce issues and inheritance. In recent years women have taken an increasingly active role in local politics and have been increasingly successful vote-getters. Election regulations ensure that women hold a minimum of 20 percent of elected offices at both the central and local levels. Enrollment of women over 18 years of age in institutions of higher learning has increased 75 fold over the past 30 years, from 1750 students in 1953 (.3 percent of the total number of students enrolled) to 131,297 students in 1983 (9.7 percent of the total number of students enrolled). A fledgling women's rights movement is slowly growing.

Taiwan's only non-ethnic Chinese minority group consists of descendants of Malayo-Polynesians who were already established in Taiwan when the first Chinese settlers arrived. These aboriginal "mountain people" comprise slightly more than one percent of Taiwan's total population. There is no official policy of discrimination against them, but the barriers created by de facto cultural and economic discrimination are frequently difficult to surmount. Aboriginal "mountain people" occupy the bottom rungs of Taiwan's socio-economic ladder. Special designated seats in both central and provincial legislative bodies are reserved for aborigine representatives, and the authorities have instituted a number of social programs to ease the aborigines' transition into the dominant society.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: TAIWAN

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.AID ................ | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.0 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER........... | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| OTHER US LOANS.......... | 224.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 224.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 0.0 | 0.0 | 50.0 | 528.7 |
| IBRD | 0.0 | 0.0 | 0.0 | 309.8 |
| IFC | 0.0 | 0.0 | 0.0 | 9.8 |
| IDA | 0.0 | 0.0 | 0.0 | 13.1 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 92.4 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 0.0 | 0.0 | 0.0 | 18.0 |
| OTHER-UN | 0.0 | 0.0 | 50.0 | 85.6 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

# FIJI

Fiji, a multiracial society of 686,000 citizens made up of indigenous Melanesians/Polynesians (43.4 percent), ethnic Indians (51 percent), and some Europeans, Chinese, and other Pacific Islanders (5.6 percent), has a multiparty parliamentary system inherited from the British colonial period. Its Constitution provides safeguards to protect traditional communal social systems, including landholding rights of the indigenous Fijians.

The individual civil and political rights of Fiji's citizens are protected by law, a court system which functions both effectively and rapidly, a free press, strong democratic elections, and a government which supports cultural diversity. The integrity of the person is respected both in law and in practice.

There were no significant changes in the status of human rights during 1984.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political killing

Politically motivated murders by the Government or opposition political organizations are unknown.

#### b. Disappearance

There are no disappearances nor is there any evidence of people being abducted, secretly arrested, or clandestinely detained.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture, prohibited by law under the Constitution, is not practiced. Cruel, inhuman, or degrading treatment or punishment is illegal and neither condoned nor practiced. There are no summary executions. Treatment of prisoners is impartial and humane. In addition to constitutional prohibitions, Legal Notice No. 51 contains specific regulations on treatment, visiting rights, clothing, etc., which are respected in practice. Prisons are overcrowded, but prisoners can serve their time and live outside the prison environment for the last 12 months of sentence and for any sentence of 12 months or less. Legislation also allows gainful employment, in addition to commitment to perform public work, while serving extramural sentences. Public defenders are available, and the Fiji Red Cross has access to detainees.

#### d. Arbitrary Arrest, Detention, or Exile

Habeas corpus exists and is honored in practice, and there is no preventive detention. In addition to constitutional safeguards, Legal Notice No. 14 establishes detailed rules to be followed by the police during arrests. A suspect can be held without charge following arrest for a maximum of 24 hours.

### e. Denial of Fair Public Trial

Public trial is guaranteed by law and honored in practice. Defendants are entitled to counsel, and counselors have free access to defendants. Defendants are made fully aware of the charges brought against them, and they and their lawyers have access to the evidence on which charges are based. Fiji's courts are independent of executive or military control. There are no special courts and civilians are not tried by military courts. An ombudsman's office actively investigates complaints against the Government while protecting the identity of the complainant.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The sanctity of the home is respected. Warrants issued by a magistrate are required for officials to enter a private residence. There is no arbitrary intrusion by the state or political organizations into the private life of the individual.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Freedom of speech and press are guaranteed in the Fiji Constitution and observed in practice. The only radio station is under the administration of an independent Broadcasting Commission and provides balanced coverage of the news in three languages. The press is free and private and not censored or controlled by the Government. However, Fiji inherited an ordinance from the Colonial Administration which allows the Government to order a correction in the press if the Government believes its position has been misrepresented. This ordinance, though very seldom used, is resented by the press since it requires giving equal space and equal placement to the Government's statement. There is no interference with academic inquiry.

### b. Freedom of Peaceful Assembly and Association

There are no impediments to assembly or to freedom of association, although an ordinance requires obtaining a permit one week in advance of any picketing or public demonstration. Fiji has an active trade union movement, recognized by the Government, which has the right to organize, strike, bargain collectively, and lobby. Fiji's 50 trade unions have about 45,000 members. Unions must give a 28-day notice of intent before going out on strike in the public sector. Fiji's largest trade union confederation is associated with the International Confederation of Free Trade Unions and participates in the conferences of the International Labor Organization.

### c. Freedom of Religion

All religions are tolerated and allowed to practice their rites freely. There is no dominant religion in Fiji, nor is any singled out for discrimination. Evangelical religions are free to seek converts and actively do so.

## FIJI

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

All Fiji citizens are free to travel anywhere within the country and abroad. There are no restrictions on repatriation. There are no displaced persons in Fiji.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Fiji's political structure is designed to accommodate the special interests of the ethnic Fijians and of the ethnic Indian community. Election to the House of Representatives is on the basis of communal and national rolls. House elections are free and democratic, and a multitude of parties contest the seats. In Fiji's most recent national elections in 1982, 84.4 percent of the voting age population participated. Members of the Senate are appointed by the Fiji Council of Chiefs, the Prime Minister, and the leader of the opposition.

Fiji's court system has tried, and in some cases convicted, individuals charged with voting fraud, including a member of the governing party.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigations of Alleged Violations of Human Rights

There have been no reported allegations of human rights violations by the Fiji Government nor any known requests for investigations. Fiji's ombudsman investigates complaints against the Government while maintaining the confidentiality of the client. A free, independent, and competitive press also serves as a watchdog for human rights. There are no adverse consequences associated with actions of either of these institutions. The 1984 Amnesty International Report did not contain an entry on Fiji. Freedom House's 1984-85 report listed it as "free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Fiji's economy is divided between a subsistence agricultural and a cash-based economy, the former characteristic of the outlying islands and the latter typical of the group's two main islands. Although the per capita gross national product (GNP) of Fiji is relatively high for a developing nation at $1,949.40 (World Bank figures for 1982), the country's wealth is not evenly distributed between the urban and rural sectors, a situation Fiji's most recent development plan attempts to remedy. Fiji seeks to increase economic opportunities through regional planning and economic incentives. Its most recent development plan calls for increased attention to rural development problems and the commitment of resources to improve housing, nutrition, health services, and education in the rural areas. Private enterprise is encouraged, as is foreign investment.

About 85 percent of the land in Fiji is owned communally by the indigenous Fijian people. Approximately six percent is government land, leaving less than 10 percent as freehold land. Communal and government lands can be leased but not sold; only freehold land can be purchased outright. The arrangement regarding land ownership was instituted to protect the interests of indigenous Fijians from the more economically competitive Indo-Fijians, but some of the latter consider it discriminatory and an interference with their own freedom to develop. Some members of the Indian community also complain that it is difficult for them to obtain government-backed financing for investment projects.

Indo-Fijians have generally experienced greater success in the pursuit of educational studies and in the accumulation of wealth through investment in private enterprise. Most businesses in Fiji are owned and operated by Indo-Fijians, and they are more heavily represented in the civil service. Some indigenous Fijians view the concentration of Indo-Fijians in business and government as discriminatory to their own racial group.

The Government neither condones nor encourages sexual, racial, or religious discrimination. The Constitution states that "every person in Fiji is entitled to the fundamental rights and freedoms of the individual, that is to say, the right whatever his race, place of origin, political opinions, color, creed or sex..." Few women hold high-level economic or political positions, although one is the deputy leader of the opposition. There is a growing awareness among women of both the Fijian and Indian communities of their right to participate more actively in social and political endeavors outside their homes. Women in the rural areas continue to fill the traditional roles of village life. Tribal inheritance is usually based on a patriarchal system. Women can and do, however, inherit status as chiefs; Fiji's third highest ranking chief is a woman.

Health care has been expanded with an emphasis on preventive medicine. Reflecting this expansion of medical services, life expectancy at birth has risen in the past two decades to 69.5 years. Fiji's infant mortality rate declined from 36.6 per 1000 in 1982 to 23.8 in 1984. In the last decade, the percentage of the total population with access to safe water rose from 47 to 69 percent and, in rural areas, the percentage of persons with access to safe water more than quadrupled, rising from 15 to 62 percent. Fiji's rich soil and tropical climate combine to give its people an adequate diet.

Three quarters of the population can read and write, and almost every Fijian citizen is to some degree bilingual in English and either Fijian or Hindustani. Virtually all children of the primary age group are enrolled in school, as are 90 percent of secondary school-aged children. World Bank statistics on education in Fiji reveal no discrimination between sexes with regard to education.

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The "New Order" Government, which came to power in 1966 in the wake of an abortive, Communist Party-backed coup, has its authority concentrated in a small group of active duty and retired military officers and civilian technocrats acting under the leadership of President Soeharto within the context of a limited Parliamentary system. Emerging from a period of sharp internal political conflict and economic chaos 20 years ago, the Government gives priority to economic development, stability, and equity and has been generally successful in these areas.

With a wide diversity of ethnic, social, linguistic and religious groups, successive Indonesian governments have faced the need to create a national identity and develop a governing system which can accommodate this diversity while maintaining national unity. In meeting this challenge, the Soeharto regime has made Pancasila the national social and political ideology and the centerpiece of its political program. Pancasila consists of five principles: belief in one supreme God, belief in a just and civilized humanity, nationalism, democracy, and social justice. Government based on it emphasizes harmony and the traditional Indonesian process of consultation and consensus as a major element in decision-making.

Indonesia has a "mixed economy" with the state involved in nearly all sectors. Ethnic Chinese Indonesian citizens are heavily represented in the modest but increasingly active private sector. Indonesia's national ideology and five-year economic plans stress improved social welfare for all without discrimination. Indonesia has experienced remarkable economic growth over the past decade, with just under five percent real growth in 1984, despite continuing weakness in demand and prices for oil, its major foreign exchange earner.

During 1984, the anti-crime campaign of summary killings of suspected criminals significantly decreased and came to a virtual halt by the end of the year. It is widely believed that elements of the Government were involved in this campaign. Top government officials made conflicting statements about government involvement; some denying it and others suggesting criminals were engaged in "gang warfare."

The unsettled security situation in East Timor persisted through the year with renewed allegations of human rights problems in the province. International humanitarian groups continued to have some access, as did some diplomats, but foreign journalists and others were blocked from visiting. Repatriation and family reunions of East Timorese continued with virtually all persons who had registered allowed to depart. By the end of the year, the Atauro Island detention facility population dropped below one thousand, with the provincial government determined to return the remainder to their homes as soon as conditions allow.

There were also security disturbances in Irian Jaya early in the year, leading to the flight into Papua New Guinea of approximately 10,000 Indonesians. Bilateral negotiations for the return of the border-crossers continued through much of the year. Security officials, meanwhile, sought to curb the activities and limit the influence of small, unorganized dissident groups in the province.

## INDONESIA

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

Begun in late 1982 and peaking in 1983, an anti-crime campaign including covert, summary executions of suspected criminals tapered off and virtually stopped in 1984. Initially, the campaign responded to a sharp increase in violent crime, especially on Java, and the inability of the police, public prosecutors and courts to deal with the problem. In 1983, several high government officials acknowledged a role by security elements in the anti-crime campaign known as "mysterious killings."

In early 1984 the Foreign Minister, among others, denied summary executions were carried out as a matter of government policy. The Armed Forces Commander and other officials suggested many victims were killed in "inter-gang" fighting following a police crackdown on the underworld. Others claimed criminal groups mimicked the earlier official campaign to settle scores or to eliminate suspected police informers. In addition, some observers thought murders might be made to look like "mysterious killings" and thereby divert attention from the murderers.

Although press reporting on killings remained banned, several sensationalist dailies through the first half of the year carried regular stories of unidentified male corpses, often tattooed, found shot, stabbed, beaten, or strangled. There is no verifiable or reliable estimate of the total number of victims in 1984, but the total is significantly lower than the 4,000 estimated for 1983. In spite of suggestions that summary executions of criminals might be reserved as an official policy option, there was a perceptible drop in killings and an apparent end to the campaign before the end of the year.

Despite occasional claims that persons were killed for their political activities or views, no reliable evidence came to light to substantiate such claims. Most of those killed were persons with reputations for violent crime.

Meanwhile, measures were instituted to improve recruitment, training, and performance of police and to boost the quality and responsiveness of criminal justice organizations. Officials acknowledged that concrete results of these efforts might not be evident for several years.

In other areas, government officials noted some members of the Fretilin insurgency in East Timor refused to surrender out of fear they would be killed by government forces. As a matter of policy, the Government continued to offer amnesty to surrendering Fretilin members, although some faced criminal prosecution for crimes such as murder, arson, or theft, committed as members of the insurgency. Sentences for those convicted were relatively light. Captured Fretilin personnel and detainees are now tried in civil, not military, courts and are provided with counsel. A number have been released for lack of evidence.

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In addition, there were allegations some adherents of the Free Papua Movement (OPM) in Irian Jaya were summarily executed. In a widely-publicized case, a Cenderawasih University official accused of supporting the OPM died after being arrested and allegedly trying to escape. Although some groups outside Indonesia claimed the escape story was a ruse to cover up his killing by the Government, reliable accounts indicate that he was shot after escaping from detention and while attempting to join his family in Papua New Guinea. Evidence of significant casualties resulting from Indonesian security operations is unavailable.

As a matter of policy, members of both the Fretilin and OPM insurgencies attack and have killed government officials and local residents loyal to the Government. In March 1984, for example, OPM elements killed several Indonesian officials in Irian Jaya and kidnapped the Swiss pilot of a missionary aircraft. They released the pilot after demanding, but not receiving, a substantial ransom. Fretilin policy also involves burning of houses or villages of persons supporting the Government. These Fretilin actions reportedly have alienated many civilians and further reduced its popularity.

### b. Disappearance

Human rights groups both inside and outside Indonesia received reports of alleged disappearances during 1984. In many cases, follow-up efforts indicated that those alleged to have disappeared had been taken into custody by government authorities with powers to arrest or detain persons without informing families or attorneys. In East Timor, international humanitarian organizations have played an important role in tracing missing persons and advising families of their whereabouts. As a result of a new round of troubles in East Timor beginning in late 1983, there were new allegations of disappearances. Because of ongoing security disturbances during 1984, it was often difficult to determine if such persons had been arrested or detained, had fled to the forests, or had been killed either by officials or by Fretilin insurgents.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Government policy discourages torture and cruel punishment of prisoners, but cases of cruel treatment of prisoners are reported from time to time in the press and elsewhere. When cases come to light, offending police and other authorities often are disciplined. In an effort to reduce such incidents, top government security officials have instituted a long-term program to recruit and train better educated personnel.

There have been allegations of torture during interrogation of prisoners in areas of continuing security disturbances, such as East Timor and Irian Jaya. No conclusive evidence has come to light to suggest torture is employed in these areas as a matter of policy.

### d. Arbitrary Arrest, Detention, or Exile

The December 1981 Criminal Procedures Code [Kuhap] contains protections against arbitrary arrest and detention and specifies the right of prisoners to legal counsel and notification of family members. The provisions of the Kuhap are honored more often in urban areas than in small towns or remote provinces, in large part because of a shortage of trained trial lawyers and the weakness or absence of legal and human rights associations in remote areas. Indonesian law does not specifically include rights of "habeas corpus."

Martial law, declared in 1957, has never been lifted. Under special emergency provisions instituted in 1966, a military organization, the Command for the Restoration of Security and Order [Kopkamtib], has wide powers to detain and interrogate persons thought to endanger national security. These special arrest powers supersede the Kuhap protections and apply particularly to cases of suspected subversion, sabotage, secession, or corruption. At mid-year, the Minister of Justice ordered the release of 69 vagrants illegally detained in Jakarta's Pondok Bambu facility. The Minister claimed Kopkamtib had no authority to arrest and detain persons whose offenses were, at worst, misdemeanors.

According to reports during 1984 from the press and human rights groups, military authorities continued to arrest some persons believed to be involved in subversive or secessionist activities. In some cases, persons detained are not allowed to contact their families or lawyers, although they usually are permitted to communicate after a period of days or weeks.

Many of those detained for subversion are suspected Muslim extremists believed to have instigated or participated in illegal anti-government acts. In addition, others have been detained in connection with civil unrest, including riots, bombings and circulation of anti-government pamphlets. Most of these are charged with criminal code violations, although a dozen or more well-known Muslim preachers being held near Jakarta are charged with subversion.

While precise estimates of the number of persons detained without trial are unavailable, human rights observers believe there may be as many as 500 throughout Indonesia, including Aceh, East and Central Java, and Irian Jaya.

During 1984 the International Committee of the Red Cross (ICRC) made a series of "protection" visits to places of detention in East Timor. The results of ICRC "protection" visits are not a matter of public record. Their representatives meanwhile continue to seek unfettered access to all detained persons during such visits.

Many East Timorese detained in earlier years were tried in civilian courts this year. Represented by government-provided civilian attorneys and charged with criminal code violations, seventy persons were convicted and sentenced to terms ranging from one to eighteen years. Several dozen other persons were tried and acquitted, while prosecutors released still others for lack of evidence.

Since 1981, Indonesian authorities have used Atauro Island off the coast of mainland East Timor as a detention facility for Timorese suspected of supporting, or of having family members fighting with, Fretilin. The number of Timorese detained on Atauro peaked at about 4,000 in the second half of 1982. Beginning in late 1982 and continuing through 1984, the provincial government has resettled detainees on the main island. Several hundred persons were resettled to their homes in June 1984, with another 600 returned to the Ainaro area in late October. Another 200 to 300 were scheduled to return to their homes before the end of the year leaving fewer than 1,000 detained persons on Atauro, mainly from the Viqueque area. Government officials are committed to resettling these persons to their homes as soon as possible and closing the Atauro facility. In the meantime, the ICRC and Indonesian Red Cross continue to have regular access and provide nutritional and medical assistance to detainees.

### e. Denial of Fair Public Trial

Indonesia's criminal justice system lacks the number of courts, judges, prosecutors, and police needed to cope with the increase in crime in recent years. Accordingly, there are sometimes lengthy delays in scheduling trials. Trials are conducted by a three-judge panel which hears evidence, decides guilt or innocence, and assesses punishment. Although the right of appeal is not absolute, it is observed in most cases; most court sessions are open and most defendants have access to counsel.

It is widely believed that political interference and corruption exists in the Indonesian legal system. In criminal proceedings, defendants are sometimes able to buy their way out of prosecution at various stages of the proceedings. In civil cases, court decisions are sometimes influenced by the payment of bribes. In response to these abuses, the Attorney General and Minister of Justice have directed disciplinary action be taken against officials involved in corrupt activities and have sought to increase salaries and benefits for judicial officials, with the aim of reducing the incentive for corruption.

Some Indonesian legal figures regard persons held for subversion as political prisoners, including those sentenced to prison through trial procedures. They believe Kopkamtib is extra-constitutional and therefore has no legal powers of arrest or the right to hand persons over for trial. Some of the detained persons clearly participated in acts of violence; others have been convicted for expressions of anti-government or separatist sentiment. Although the Government has not announced data on the number of persons convicted and serving sentences for subversion, one reliable estimate suggests there may be several hundred such prisoners.

Amnesty International contends persons tried and convicted for participation in the abortive 1965 Communist coup and for association with the Indonesian Communist Party failed to receive fair trials and should be considered "political prisoners." There are about 250 such prisoners. Indonesian authorities have permitted visits to these prisoners by the ICRC, which normally urges they be assured rights accorded other prisoners, including the right of appeal and routine remission of sentences.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Judicial warrants for searches are required except for suspected subversion, economic crimes, and corruption. In some instances, forced or surreptitious entry by security agencies has been alleged. Both local and international telephone calls by some persons are probably monitored by government security agencies. Although, in general, correspondence is not monitored, all letter mail to and from East Timor is subject to official scrutiny.

Permits are required for the import of foreign publications and video tapes. Some foreign newspapers and magazines, especially from Australia, cannot be imported. Foreign publications which do enter Indonesia are frequently censored. Communist literature is prohibited.

Excepting one quasi-official daily newspaper which uses Chinese characters and claims a circulation of 120,000, Chinese language publications can neither be imported nor produced domestically. Chinese characters are routinely blotted out of foreign news photos and advertising. There are no laws against speaking Chinese, but the Government lays heavy stress on the learning and use of the national language, Bahasa Indonesia, to promote national unity. All school classes and most radio and television broadcasts employ Bahasa Indonesia.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Indonesia's Constitution gives Parliament the authority to prescribe limits on freedom of speech and press. In recent years, Parliament has helped create a body of law delimiting the rights of individuals and of the Government. Government departments and agencies, however, continue to exercise considerable discretionary authority in this area both through tradition and because of the absence of specific laws protecting individual rights.

Opposition groups are generally free to meet and formulate views, but they have difficulty disseminating their views publicly because of media reluctance to risk official disapproval or because of informal government instructions not to publish the opinions of or news about prominent opposition figures. Some opposition figures claim harassment by government agencies (telephones rendered inoperable, electricity cut, difficulty obtaining access to other government-provided services) and restrictions on their economic activities (e.g., refusal by government agencies to accept bids from companies in which they have an interest and pressure on private concerns not to do business with them).

While there were restrictions on academic inquiry during the 1982 election campaign, similar limits were not in effect during 1984. School faculties sometimes refrain from producing materials, including dissertations, which they believe might provoke government displeasures. Government officials occasionally stop publication or distribution of books regarded as critical of the Government or addressing sensitive subjects, such as human rights. Publishers also are unwilling to accept manuscripts dealing with controversial issues.

The press in Indonesia is largely privately owned. While espousing a "free" press, the Government also expects the media to be "responsible" by supporting national economic development goals and domestic stability. Publishers and journalists, recognizing what they perceive as the limits of permissibility, often exercise considerable "self-censorship."

At the same time, the media is closely monitored, and editors routinely receive oral instructions from government officials about news which cannot be reported. There is a single, government-run television company, and private radio stations are required to use government-provided news reports. Editorials, however, do address sensitive issues, albeit gingerly, and stories are written so as to provide background about events which are not supposed to be reported.

The Government is sensitive to foreign press reports of internal Indonesian developments, particularly those related to security, East Timor and Irian Jaya. During 1984, two foreign wire service correspondents and two other journalists were advised their visas would not be extended, and they had to leave. Late in the year, a fifth foreign journalist was expelled before the expiration of his visa. No action was taken, however, to prevent replacements from entering the country to occupy the same positions.

During 1984, the Department of Information suspended publication licenses of three magazines. Two, accused of printing material which might increase ethnic tensions, closed and were not allowed to reopen. The third, a weekly, lost its publication permit for several weeks after an editorial which allegedly encouraged class conflict. Following an apology from the editor, the Department of Information allowed the magazine to reappear. Finally, a daily journal closed initially on order of Kopkamtib in March 1983, apparently for political reasons, has not had its license "unfrozen."

### b. Freedom of Peaceful Assembly and Association

Public assembly is freely permitted for social and ceremonial events and, as long as there is no perceived risk of violence, for political activities approved by the Government. However, regional and national meetings of virtually all organizations must have government permission. Youth groups concerned about requirements to accept "Pancasila" have experienced difficulties in obtaining such permission.

In June, the Government submitted to Parliament a bill regulating all "community organizations." The bill, which generated considerable public controversy, would require all organizations to obtain a license from the Government. The license could be withdrawn if the organization is found to engage in Marxist or other activities antithetical to the national ideology of Pancasila. Another controversial section would require Government authorization before organizations receive funds from any foreign donor. Passage of the bill is expected in 1985.

Indonesian labor is organized in a national federation (FBSI) composed of 21 national industrial unions, with a total membership of some 3 million out of a workforce of 65 million in which some 15 million persons are employed in the industrialized sector. FBSI is the only trade union legally permitted in Indonesia. Political activity by FBSI is forbidden. Nor is it permitted to organize civil servants or workers in government-owned enterprises and in major sectors of the economy declared as vital such as air transportation and oil. However, some professional organizations, such as those for teachers, do act as unions in some respects.

Restrictions on FBSI's autonomy included the imposition of government appointees in many of its positions, requirement that its senior officials be active members of the government-sponsored Golkar organization and extensive government intervention in labor-management relations. However, FBSI is slowly becoming more effective in representing its members. The law requires government permission for strikes, which as a matter of practice is never given.

Indonesia has signed and ratified a number of International Labor Organization (ILO) conventions including those on the right to organize and bargain collectively and on forced labor. Government officials have made clear, however, that Indonesia's obligations under these conventions will not be allowed to interfere with "Pancasila" labor relations.

Indonesia was again asked at the 1984 ILO General Conference about forced labor and limitations on the employment rights of released political prisoners, and to provide information on forced labor. ILO concern about forced labor in Indonesia began in regard to political prisoners arrested in the 60's and early 70's (most of whom have now been released), but it now focuses on disputed claims by workers on remote plantations that they have been required to continue working and not been provided return fares after their contracts end. The claims are difficult to verify.

### c. Freedom of Religion

Religious freedom is guaranteed by the Constitution. Although the Indonesian population is overwhelmingly Muslim, practice and teaching of other faiths is generally permitted.

Because the first tenet of Pancasila specifies belief in a supreme being, atheism is forbidden. Some animists in remote parts of Indonesia have reportedly been pressured to convert to Islam or Christianity in order to fulfill the requirement of belief in a supreme being. At the same time, mystic sects and beliefs are followed by many in the Indonesian elite. Several small Muslim sects and certain other religious groups accused of contravening widely accepted moral standards are banned by the Department of Religion. There are no legal bars to religious conversion, and conversions between faiths are common. Proselytizing, though, is seen as potentially disruptive and is discouraged. For this reason, informal restrictions on the activities of foreign missionaries, such as difficulty in obtaining or renewing visas or residence permits, have increased in some areas in recent years. However, missionary activities in other areas are relatively unimpeded.

Official holidays include Christian, Hindu, and Buddhist, as well as Muslim holy days. Indonesian Muslims, Christians and Buddhists maintain active links with coreligionists outside Indonesia. Travel to religious gatherings is permitted, and Muslims undertake the "Hajj" to Mecca without restriction.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Movement within Indonesia generally is unrestricted. The Government requires permits to change residence in certain areas, primarily to control the further shift of population from rural to urban locations. Since 1958-59, ethnic Chinese have been denied the right to live in rural areas of Java (although the practical effect of the regulation is mitigated by the fact no such rural areas are more than 15 miles from a major town). Travel to certain regions, including most of Eastern Indonesia, requires a special permit. There are also restrictions on movement to and within East Timor and Irian Jaya. Former political detainees associated with the abortive 1965 coup attempt are required to notify authorities of travel away from their homes. Members or alleged supporters of the Indonesian Communist Party outside Indonesia have not been allowed to return, except on a case-by-case basis.

Emigration is unrestricted except that, since the 1976 integration of East Timor into Indonesia, authorities have closely controlled emigration and repatriation of former Portuguese subjects. Through 1983 and early 1984 officially sanctioned emigration from East Timor continued at a brisk pace and, by mid-1984, nearly all of the persons who had registered for repatriation or family reunion were permitted to depart.

Under its humane refugee policy, Indonesia has given first asylum to over 88,000 Indochinese refugees since 1975. In cooperation with the UN High Commissioner for Refugees, the Government of Indonesia has also provided one of the region's two refugee processing centers, where Indochina refugees who have landed in Indonesia as well as those from other first asylum countries are given training to prepare them for permanent resettlement in other countries.

In early 1984, as a result of security disturbances in areas near the Indonesia-Papua New Guinea border, approximately 10,000 Indonesians crossed the border. They apparently were prompted by warnings of wide disturbances from insurgent elements and a desire to move away from areas of possible military operations. The two Governments initiated discussions for return of the border crossers immediately, and by the end of 1984 initial steps for repatriation were underway.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Indonesia's government has its authority concentrated in a small group of active duty and retired military officers and civilian technocrats. President Soeharto is the decisive political figure. The Parliament and the political parties have little ability to influence government decisions.

The Parliament is elected by all adult citizens except active duty members of the armed forces and convicted criminals serving in prison. Though the military is not permitted to vote, 96 out of 460 seats in Parliament are reserved for appointed members to represent its interests. Elections for Parliament are held every five years.

The President is elected by the People's Consultative Assembly (MPR), which consists of Parliament plus an equal number of appointed members and sits in a special session every five years.

Parliament considers laws presented to it by government departments and agencies and does not draft laws on its own.

Although bills are often changed slightly, little significant change or revision occurs during parliamentary consideration. Usually Parliament works on the basis of consensus and votes are less important than consultations during committee consideration of a bill.

A 1975 law limits the number of political parties to three: a Muslim party made up of four former Muslim political parties; an association of former Nationalist and Christian parties; and the government-sponsored Golkar. In three national elections since 1971, Golkar has won each time with more than 60 percent of the vote. Civil servants and their families are expected to vote for Golkar, and support for Golkar at the local level often results in additional government resources being devoted to development projects in the area.

The two political parties and Golkar are prohibited from organizing and operating below the district level except during election campaigns. Critics contend this system gives Golkar an advantage, since its civil service members have constant access to small towns and villages because of their official duties. The Indonesian Communist Party and a formerly powerful Muslim party linked with separatist rebellions in the later 1950's are specifically banned. Members of the former and many leaders of the latter are not allowed to run for office or to play active political roles.

An informal opposition group formed in 1980 and known as the "Petition of 50" group, consisting of retired military officers, some prominent Muslims and former student activists, continues its efforts to exert political influence by circulating "statements of concern" and "white papers" critical of government actions and leaders. In a related area, sermon givers in mosques are permitted to criticize government policies in their sermons as long as they do not encourage disruption of public order.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Government considers outside investigations of alleged violations of human rights to be interference in its internal affairs. Amnesty International representatives, for example, are refused official access to Indonesia because of the organization's past criticism of the Government and the Government's belief it is biased. There is no local chapter of Amnesty International, although individual citizens may have memberships.

The International Committee of the Red Cross (ICRC) has a resident delegate in Jakarta heading its Southeast Asia Division. The ICRC, in conjunction with the Indonesian Red Cross, is engaged in a range of programs in East Timor. These include tracing, delivery of family messages, repatriation, and a nutrition and health services program for displaced persons on Atauro Island. The ICRC has made known its willingness to help resettle Atauro Island detainees to the main island and to provide relief assistance if necessary. The provincial government has taken responsibility for these activities.

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A number of domestic organizations are concerned with human rights. The Department of Justice has an agency charged with the drafting of legal codes to replace the colonial laws still in effect. This agency also has responsibility for the establishment of legal documentation facilities and for programs to inform citizens of their legal rights. In addition to these government activities, private groups associated with mosques and churches are involved in providing legal counseling services. The trial lawyers association, Peradin, provides some legal services free to the disadvantaged. Some groups have expressed concern that provisions of the pending law on community organizations could affect the independence of human rights organizations in the future.

There are private legal aid organizations which contest human rights violations by defending or representing aggrieved parties in court and by stimulating press attention and discussion. One of these was a leading critic of the "mysterious killings" campaign. Several took a prominent role in defending persons charged in connection with rioting in Jakarta in September. These private legal aid organizations have also established offices in many larger Indonesian cities and are looking to extend services to rural and remote areas. One also continues to prepare annual reports on human rights in Indonesia. Although no full report has been published since 1982, a summary statement for 1984 appeared in several newspapers in connection with Human Rights Day on December 10.

### ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The fifth principle of Pancasila, social justice, is interpreted to mean that the basic human needs of all Indonesians should be satisfied without discrimination. In addition, the three "pillars" of President Soeharto's "New Order" Government have been economic development, stability, and equity.

Government measures in early 1983 to counteract the effect of worldwide economic recession resulted in a higher than anticipated growth rate for 1983 and the prospect of a 4.5 percent real growth rate in 1984. The World Bank estimated per capita gross national product at $584 in 1982. Following the March 1983 devaluation of the rupiah, per capita income fell below $500, but is estimated at $580 for 1984. The World Bank estimated 26 percent of the urban population and 44 percent of the rural population was below the absolute poverty level in 1980, a sharp drop since 1970.

The fifth most populous country in the world and largest nation in Southeast Asia, Indonesia had an estimated population in 1984 of 169,442,000. Population pressures are especially great on the islands of Java, Bali, and Madura, even though the population growth rate is estimated at only two percent. Infant mortality rates improved to 91 per 1,000 live births in 1984. Likewise, life expectancy at birth rose to 54 years in 1984, a significant increase since 1970.

Indonesian women generally enjoy a high degree of economic and social freedom, and there is significant cultural latitude for women's participation in public life. Women occupy important mid-level positions in the civil service, educational institutions, labor unions, the military, the professions, private business, and Parliament. The Cabinet named in

1983 includes two women: the Minister of State for Women's Affairs and the Minister for Social Affairs. Although legislation guarantees women equal treatment, women seldom receive equal pay for equal work. In addition to government-sponsored women's organizations in which membership and participation are mandatory, there are several voluntary, private groups which work to advance women's legal, economic and political rights. Chief among these is Kowani (Congress of Indonesian Women), an umbrella for some 55 women's groups.

Ethnic Chinese are pressured to adopt Indonesian customs and take Indonesian names. While they are also encouraged to become citizens, some Chinese find legal avenues to citizenship blocked or are discouraged by the time-consuming and expensive task of obtaining citizenship documents. Government regulations prohibit the operation of all-Chinese schools and institutions of higher learning, teaching in Chinese languages, the formation of exclusively Chinese cultural groups in trade associations, and the use of Chinese characters on sign boards or in publications. However, social and religious groups which are, in effect, all Chinese are not proscribed and do exist.

By 1981, virtually all primary school-age children were enrolled in schools, although the Government had difficulty recruiting and keeping teachers for schools in isolated areas. In 1984, the President announced compulsory education through primary grades and encouraged wealthy Indonesians to "adopt" poorer students and help them pay for schooling. The World Bank estimates that as of 1971 total adult literacy stood at 57 percent (69 percent of men and 45 percent of women; 77 percent of urban and 52 percent of rural dwellers). According to the 1980 Indonesian Government census, 72 percent of the population over 10 years of age could read and write (78.8 percent of men and 61.4 percent of women; 83.8 percent of the urban population and 65.7 percent of the rural population).

Agricultural output has increased significantly in recent years, about 3.8 percent per annum. 1984 was particularly remarkable for increased food production after the preceding two years when drought conditions hurt government efforts to reach self-sufficiency in rice production. Partly as a result of improving output, the percentage of caloric supply available for consumption relative to nutritional requirements was 110 in 1981, according to World Bank figures. For the first time since independence Indonesia was self-sufficient in rice in 1984.

Community health standards remain low, despite intensive government efforts to train doctors and other health specialists and to provide medical facilities and supplies. Tuberculosis, mosquito-borne diseases, including malaria, and skin disease are endemic. In 1981, 23 percent of the population (40 percent in urban areas and 18 percent in rural areas) had access to safe water.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: INDONESIA

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 91.1 | 111.4 | 116.2 |
| LOANS.............. | 59.1 | 85.3 | 90.8 |
| GRANTS............. | 32.0 | 26.1 | 25.4 |
| A.AID ................. | 67.5 | 71.8 | 74.7 |
| LOANS.............. | 43.3 | 53.8 | 54.8 |
| GRANTS............. | 24.2 | 18.0 | 19.9 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 23.6 | 39.6 | 41.5 |
| LOANS.............. | 15.8 | 31.5 | 36.0 |
| GRANTS............. | 7.8 | 8.1 | 5.5 |
| TITLE I-TOTAL.......... | 15.8 | 31.5 | 36.0 |
| REPAY. IN $-LOANS..... | 15.8 | 31.5 | 36.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 7.8 | 8.1 | 5.5 |
| E.RELIEF.EC.DEV & WFP. | 3.1 | 3.6 | 1.2 |
| VOL.RELIEF AGENCY..... | 4.7 | 4.5 | 4.3 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 42.2 | 27.4 | 47.4 |
| LOANS.............. | 40.0 | 25.0 | 45.0 |
| GRANTS............. | 2.2 | 2.4 | 2.4 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 40.0 | 25.0 | 45.0 |
| C.INTL MIL.ED.TRNG.... | 2.2 | 2.4 | 2.4 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 133.3 | 138.8 | 163.6 |
| LOANS.............. | 99.1 | 110.3 | 135.8 |
| GRANTS............. | 34.2 | 28.5 | 27.8 |
| OTHER US LOANS.......... | 396.0 | 77.4 | 0.0 |
| EX-IM BANK LOANS....... | 396.0 | 77.4 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 1394.2 | 1623.7 | 1563.5 | 10930.6 |
| IBRD | 926.1 | 1329.9 | 1033.4 | 7033.4 |
| IFC | 4.3 | 25.0 | 7.1 | 167.0 |
| IDA | 0.0 | 0.0 | 0.0 | 931.4 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 451.8 | 264.0 | 523.0 | 2594.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 12.0 | 4.8 | 0.0 | 109.3 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 95.5 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## JAPAN

Japan is a parliamentary democracy in which democratic institutions are firmly established. Its industrial free-market economy is the second largest in the world in terms of gross national product. Japan's culture incorporates many elements from the West while retaining strong Eastern roots. Buddhist and Shinto traditions continue to have a basic and pervasive influence on thought and social institutions, but several minor religions also flourish. Less than one per cent of the population is Christian. Though the Japanese are receptive to foreign ideas, the citizens of this densely populated nation have a cultural, ethnic, and racial homogeneity which makes them less willing or able to integrate alien residents in Japan into their society.

While the legal system has gradually evolved toward granting equality of opportunity to minorities, there has been little change in the social prejudice against Koreans, approximately 670,000 of whom are first, second, and third generation permanent residents, in addition to approximately 120,000 naturalized Japanese nationals of Korean ancestry. An estimated 1.2 million descendants of persons historically considered to be outcasts (Burakumin) also suffer social but not legal proscription.

The Japanese Constitution states, "All of the people are equal under the law and there shall be no discrimination in political, economic or social relations because of race, creed, sex, social status, or family origin." The human rights guaranteed by the Constitution are secured by a just and efficient legal system. Political liberties are guaranteed to all nationals, and over 70 percent of the electorate usually vote in general elections, which involve candidates from seven freely-functioning political parties. The right of workers to organize and to bargain and act collectively is guaranteed by the Constitution, with slightly under 30 per cent of the active work force belonging to labor unions. Most unions are involved in political activity as well as labor relations.

During 1984 several important steps were taken toward making the status of women more equal to that of men.

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

There are no known cases of murder for political motives on the part of the Government or any other organization.

#### b. Disappearance

There are no known cases in which people have been abducted, secretly arrested, or held in clandestine detention by security forces or any other organization.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Freedom from torture, cruel, inhuman, or degrading treatment or punishment is guaranteed by the Constitution and respected in practice. Criminal sentences do not include physical punishment. There is no evidence that penal treatment varies by social class, sex, or religion.

### d. Arbitrary Arrest, Detention, or Exile

Freedom from arbitrary arrest or imprisonment is guaranteed by the Constitution and respected in practice. Japanese law provides for a writ of habeas corpus. Individuals cannot be detained without charge, and prosecuting authorities must be prepared to demonstrate before trial that sufficient evidence exists to detain the accused. The length of time before a suspect is brought to trial depends on the nature of the crime, but rarely exceeds two months; the average is one to two months. Preventive detention does not exist.

### e. Denial of Fair Public Trial

The Constitution guarantees the right to a speedy and public trial by an impartial tribunal in all criminal cases, and this right is respected in practice. The defendant is made aware of charges upon arrest and guaranteed a public trial by an independent civilian court with defense counsel and the right to cross examination. Defense counsels have free and private access to defendants and have the right of access to evidence that is deemed to be necessary for trial after a formal indictment has been made and generally before a trial. Defendants also are protected from self-incrimination and the application of ex post facto laws. Judges are appointed by the Cabinet for permanent terms but face periodic review through popular referendum. A defendant who is dissatisfied with the decision of a trial court of first instance may, within the period prescribed by law, appeal to a high court as the reviewing court.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Under the Constitution, each search or seizure shall be made upon separate warrant issued by a judicial officer. Japanese authorities have been scrupulous in observing the legal requirements for warrants. The standards for issuing such warrants exist to guard against arbitrary searches. There are no reports that the Government or any other organization has arbitrarily interfered with privacy, family, home, or correspondence.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The Japanese Constitution, an independent press and judiciary, and a functioning democratic political system combine to ensure freedom of speech and press.

### b. Freedom of Peaceful Assembly and Association

These freedoms are guaranteed by the Constitution and respected in practice. Japanese law grants unions the right to organize, strike, bargain collectively, lobby, and make political campaign contributions, and they actively do so. Unions are involved also in international bodies and bilateral exchanges. Public corporation employees do not have the right to strike but do have recourse to mediation and arbitration in order to resolve disputes. Members of the armed forces, police officers, and fire fighters are not permitted to organize. In 1984 as in 1983, Japanese public sector unions deposited a complaint with the International Labor Organization (ILO) alleging that the Government's decision to only partially implement wage increases for Government employees recommended by the independent national personnel authority ran contrary to the Freedom of Association Convention. In response the ILO recommended that the Japanese Government fully implement the wage recommendations. The Government responded that it would try to accommodate the recommendation while taking into consideration its financial difficulties.

### c. Freedom of Religion

Freedom of religion is guaranteed by the Constitution and respected in practice. While Buddhism and Shinto remain the two major religions, there are many others, including several Christian denominations. Missionaries are welcome and receive special visa status. Some temples and shrines, as treasured national properties, receive public support for maintenance.

### d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

Nationals have the right to travel freely, both within Japan and abroad, to change their place of residence, to emigrate, and to repatriate voluntarily. Nationality is never revoked.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

As a parliamentary democracy, Japan is ruled by the political party or parties able to form a majority in the lower house of its bicameral Diet. The Liberal Democratic Party-New Liberal Club coalition currently holds a parliamentary majority. Five opposition parties are active. All adult nationals have the right to vote. Vote is by secret ballot. Political interest groups can organize and engage in nonviolent political activity regardless of their political hue. Well organized labor unions ensure participation by workers in the political process.

According to law, aliens with five years continuous residence are eligible for naturalization and the simultaneous acquisition of citizenship rights, including the right to vote. In fact, however, relatively few eligible aliens have been naturalized. Naturalization is a difficult and complicated process requiring "proof of assimilation into the Japanese culture," and many Korean residents are unwilling to seek naturalization on the grounds that their cultural identity would be erased by the requirements. Although the law does not require applicants for naturalization to take Japanese names, in practice the Ministry of Justice strongly encourages them to do so, and only a few who have been naturalized have retained their previous names. Korean human rights activists have urged Japan to restore unconditionally the citizenship which Korean residents of Japan had previously but which was revoked after World War II.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

Various groups have petitioned the United Nations Human Rights Commission (UNHRC) to take up allegations of discrimination against Koreans in Japan and of allegations of maltreatment of mental patients in Japan. The Government responded positively to these complaints and the UNHRC decided not to take up these matters for further discussion or investigation. Through its membership in the UNHRC, the Japanese government is active in working for improvement of human rights practices in other countries. In 1984 the Foreign Ministry established a Human Rights and Refugee Division to give more long-range attention to these concerns.

A large number of private organizations in Japan are interested in human rights. They mainly lobby against the death penalty, for increased social and economic opportunities for minorities, and for human rights in other countries. By keeping these cases before the public eye, they have helped gradually to change the way many Japanese people and the Government view these problems. The 1984 Amnesty International Report expressed concern about use of capital punishment. Freedom House in its 1984-85 report rated Japan as "free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Good quality food, shelter, health care, and education are widely available to inhabitants of Japan regardless of race, religion, sex, ethnic background, or political opinion. Discrimination by private employers against women continues despite its prohibition by the Constitution and by legislative measures adopted over the past 30 years to accord women the same legal status as men. A 1983 Government White Paper on the status of women noted that, as of 1981, 45 per cent of companies discriminated against women in hiring and promotion. To eliminate such discrimination and to complement existing laws stipulating equal pay for equal work, the Ministry of Labor drafted legislation for equality in employment standards which it hopes will pass the Diet in 1985. Passage of this legislation would allow Japan to ratify the U.N. Convention on the Abolition of Discrimination Against Women. Women hold 26 of 763 seats in the Diet. In 1984 the National Diet revised the Patrilineal Nationality Act to give women equal status with men in conferring nationality on their children. Concurrent revision of the Family Register Law allows Japanese women married to non-Japanese to assume their husbands' surnames, and their children to assume the father's surname without petitioning family courts. Gender discrimination in naturalization requirements for foreign spouses of Japanese citizens was also eliminated.

The Government has enacted several laws and regulations in recent years extending to permanent resident aliens, 82 percent of whom are Koreans, the benefits of equal access to public housing and loans, limited-tenure employment at public colleges and universities, and old age pensions for those who pay into the system for the requisite 25 years. In 1984, for the first time, Korean residents were appointed as faculty members in state universities. Rectifying another issue of concern to resident Koreans, the Foreign Ministry began to pronounce Korean names according to their Korean, rather than Japanese, reading. On the other hand, there was growing conflict between alien residents, primarily Koreans (although some Americans were also involved), and the Government over the requirement that foreign residents be fingerprinted every five years. Entrenched social prejudice against both Koreans and members of the Burakumin community (descendants of feudal era "outcasts" who practiced so-called "unclean" professions such as hide tanning) restricts the access of both groups to private housing, employment, and marriage opportunities. The Government has extended until 1987 a Special Measures Law (first issued in 1969) designed to help assimilate Burakumin into mainstream society through a number of social, economic, and legal programs.

Japan's population in 1984 was 119,996,000, growing at an annual rate of 0.6 percent. The infant mortality rate was 6 per 1,000 live births in 1984, while life expectancy at birth in 1980 was 75.5 years. With a highly competitive education system that provides nine years of free, compulsory schooling, Japan has a primary school enrollment ratio of 106 percent and has long had nearly total adult literacy. The ratio of calorie supply available for consumption relative to nutritional requirements was 126 percent in 1977. The GNP per capita in 1982 was $10,075.

## DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA*

The Democratic People's Republic of Korea, formed in 1948 during the Soviet administration of the northern half of the Korean peninsula, is a rigid Communist dictatorship, strictly dominated by one man, Kim Il-sung, and his family. Although some internationally respected human rights are acknowledged by the Constitution and laws, individual rights are entirely subordinated in practice to the ruling Korean Workers' (Communist) Party, with its overriding aim of imposing a social revolution and enforcing unanimous popular support for the country's governing system and its leaders.

The latest Constitution, promulgated in 1972, purports to guarantee a wide range of rights, including: freedom of the press, religion, work, and association, and freedom from sex discrimination. Other provisions of that Constitution, as well as the fact of Communist Party control, render meaningless most of these guarantees. While there were pro forma elections to the Supreme People's Assembly in February 1982, free elections do not exist in North Korea since citizens have no choice among candidates.

Kim Il-sung is committed to reunification of the divided peninsula, by whatever means is necessary. To this end, his Government has periodically attempted to destabilize the Republic of Korea, for example by the attempt to assassinate the President of the Republic of Korea in a bombing attack in Rangoon, Burma, on October 9, 1983. Four Burmese and 17 South Koreans, including four cabinet ministers and a number of senior advisers and officials, were killed in this North Korean action. Despite North Korea's delivery of flood relief goods to the South in 1984 and the positive response to South Korean proposals for bilateral talks on economic cooperation and family reunification, it continues to improve its military forces targeted against the South.

North Korean leaders justify regimentation and militarization of society in the name of reunification. The North Korean people are subject to rigid controls. Persons who fail to cooperate with the regime face imprisonment, confiscation of property, or enforced removal to remote villages. Surveillance by informers is prevalent. Movement outside one's own village requires documented permission. Punishment for "political crimes" against the state is severe. Available information indicates that the practices of forced relocation of families and ideological indoctrination have intensified in recent years.

The state's intervention in the individual's activities in North Korea goes well beyond curtailing assembly and expression. The authorities attempt to shape the consciousness of the populace. Preschool children are drilled in homage to Kim Il-sung and his family, while youths and adults are required to participate in daily ideological training conducted by youth organizations or at places of employment. The propaganda requires rote recitation of party maxims and positions and strives for ideological purity. The result is that North Korea's society is one of the most highly regimented and controlled in the world today. At least two North Korean security organizations enforce these controls.

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*The United States does not have diplomatic relations with the Democratic People's Republic of Korea; even representatives of governments that do, as well as journalists and other occasional invited visitors to North Korea, are not permitted the freedom of movement that would enable them effectively to assess human rights observance there. Most of this report, therefore, is a repeat of previous human rights reports based on information obtained over a period of time extending from well before 1984. While limited in scope and detail, the information is indicative of the human rights situation in North Korea today.

Virtually no outside information other than that approved and disseminated by the North Korean authorities is allowed to reach the North Korean public. Foreigners who have traveled to Pyongyang, the capital city, have been surprised to learn how little the North Korean populace knows of the outside world. Senior government officials, however, seem to be somewhat better informed.

Security ratings for each person are based on such considerations as class origin, ideological fervor, and reliability, and whether any of the individual's relatives or associates collaborated with Japanese occupation authorities (1910-1945) or have attempted to defect to other countries. These ratings determine access to the better jobs, schools, medical facilities, and stores, as well as admission to the Korean Workers' Party, the route to the highest levels and privileges of the society. Any individual whose relative or close family associate has settled in South Korea is treated as suspect by the North Korean authorities.

In 1984, for the first time, North Korea's government-controlled radio explicitly referred to Kim Il-sung's son, Kim Chong-il, as his father's eventual "successor." The younger Kim, who was elevated to several senior leadership positions in 1980, is reportedly assuming increasing control of the Government and party. That Kim Il-sung appears thus far to be able to ensure his succession by his son, a first for any Communist country, indicates the enormous power he has assumed in 36 years of rule. The absence of any evidence of public debate about the succession is also indicative of the lack of real popular participation in the political process.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

No reliable information is available on politically motivated killing in North Korea. However, the North Korean attitude toward political killing was clearly demonstrated in the Rangoon bombing and the November 23, 1984 shooting in the Joint Security Area of the Demilitarized Zone(DMZ) dividing North and South Korea.

After a careful investigation, the Government of Burma determined that the Democratic People's Republic of Korea was responsible for the October 9, 1983, attempt to assassinate Republic of Korea President Chun Doo Hwan during his visit to Burma. The bomb killed four cabinet ministers and a number of senior advisers and officials. Two North Korean army officers were brought to trial in Rangoon for the attack, and on December 9, 1983, were found guilty and sentenced to death.

## DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

In the DMZ incident a young Soviet student who wanted to defect broke away from a tour group and ran across the military demarcation line into the area controlled by the U.N. Command. The North Korean security guards opened fire on the fleeing Soviet, triggering an exchange of fire in which several lives were lost, and unsuccessfully pursued the defector across the line with guns blazing.

### b. Disappearance

There is no information available on disappearance.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Freedom House's 1983-84 report states that "torture is reportedly common" in North Korea. The accounts of torture and beatings of crew members of the USS Pueblo after their capture in 1968 are well-known and documented. The only other reliable source on prison conditions and treatment of prisoners in North Korea is Venezuelan poet Ali Lameda, who was detained in North Korea from September 1967 through 1974, allegedly for attempted sabotage and espionage. While physical torture was not used on Mr. Lameda, he stated that Korean prisoners were routinely beaten. Lameda noted that "beating was also used as a means of persuasion during interrogation."

Lameda reported the use of deprivation of food to force "confessions," as well as solitary confinement, continuous interrogation, enforced waking periods, poor or nonexistent medical treatment, and 12 hours of forced labor per day. In addition, prisoners were denied family visits, parcels, correspondence, writing materials, newspapers, and clothing changes. Prisoners appeared to be regarded as persons without any rights.

### d. Arbitrary Arrest, Detention, or Exile

Information on specific criminal justice procedures and practices in North Korea is extremely scarce. North Korea has refused to permit outside observation of its legal system and practices. The accounts provided by the crew members of the USS Pueblo and by Venezuelan poet Ali Lameda, while clearly from an earlier period, comprise virtually all the specific information available on the operation of the criminal justice system in North Korea.

North Korean law provides that the period prisoners may be held for interrogation shall not exceed two months. This period may be extended indefinitely, however, if the Interrogation Department obtains approval of the Chief Prosecutor. Lameda, himself, was detained for 12 months without trial or charge. His request for a lawyer of his choice and an open trial were ridiculed as "bourgeois." Habeas corpus or its equivalent does not exist in practice.

According to newspaper reports, North Korean defectors in South Korea estimated in April 1982 that at least 105,000 "ideological offenders" were being held in eight major camps in the North. Amnesty International has received unconfirmed reports of arrests of those opposed to heir apparent Kim Chong-il.

## DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

### e. Denial of Fair Public Trial

The North Korean Constitution states that courts are independent, and judicial proceedings are to be carried out in strict accordance with law. All courts, however, are responsible to the people's assemblies, which effectively means total governmental control of the judiciary. Article 138 states that "cases are heard in public, and the accused is guaranteed the right to defense; hearings may be closed to the public as stipulated by law." Lameda was twice denied public trial. After his first arrest he was imprisoned for a year without a hearing; after his second arrest, he was put through a closed session without benefit of counsel of his choice, or even knowledge of the charges. His tribunal was under the direction of the Ministry of Internal Security, with one person serving as both judge and prosecutor.

Lameda stated that, other than to admit guilt, he was refused the right to speak out or defend himself at his trial. His "defense counsel" represented him by making a lengthy speech praising Kim Il-sung and then requesting a 20-year sentence, which the tribunal imposed after five minutes of deliberation.

In a 1979 interview with American journalist John Wallach, North Korean Supreme Court Justice Li Chun-uk noted that the defense counsel's job is "to give the suspect due punishment." Open court appears to consist of an announcement of the term of imprisonment, which has already been determined by the Provincial Safety Bureau.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The populace is subjected to continuous indoctrination, designed to shape individual consciousness. Preschool children are drilled in homage to Kim Il-sung and his family, while youths and adults are required to participate in daily ideological training conducted by youth organizations or at places of employment. The propaganda requires rote recitation of party maxims and positions and strives for ideological purity. At least two North Korean security organizations enforce these controls.

Reports, primarily from defectors, indicate that forced resettlement, particularly for those deemed politically unreliable, is common. Permission to reside in, or even enter, Pyongyang is strictly controlled.

According to reports in South Korean journals, Japanese wives of Koreans repatriated from Japan since 1959 have not been permitted to visit Japan and, because their letters are subject to strict censorship, many have lost contact with their families.

The Constitution states that "citizens are guaranteed the inviolability of person and residence and the privacy of correspondence." Lameda reported, however, that his residence was not respected and that listening devices were used against him. He was arrested and his collected papers and poetry destroyed without warrant.

## DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

### Section 2 Respect for Civil Rights, Including:

#### a. Freedom of Speech and Press

The Constitution states that "citizens have the freedoms of speech, the press, assembly, association, and demonstration." In fact, North Koreans enjoy none of these rights. Such activities are permitted only in support of government objectives. Other articles of the Constitution that require citizens to follow the "socialist norms of life" and to obey a "collective spirit" take precedence over individual political or civil liberties. Censorship of foreign and domestic media is enforced, and no deviation from the official government line is tolerated. Listening to foreign media broadcasts is prohibited, and violators reportedly are subject to severe punishment. Most North Koreans do not possess radios but must listen to government media through loudspeakers installed in their apartments. Artistic and academic works are controlled by the Government, and visitors report that a primary function of plays, movies, operas, and books is to contribute to the cult of personality surrounding "the great leader," Kim Il-sung, and his son, "the beloved leader," Kim Chong-il.

#### b. Freedom of Peaceful Assembly and Association

The Government has developed a pervasive system of informers throughout the society. No public meetings can be held without governmental authorization. Trade unions and professional associations appear to exist solely as another method of governmental control over their members. They have no effective rights to organize, negotiate, or strike.

#### c. Freedom of Religion

Although the Constitution guarantees that "citizens have religious liberty and the freedom of antireligious propaganda," North Korea, in fact, has severely persecuted Christians and Buddhists since the late 1940's. No churches have been rebuilt since the Korean War. The regime uses religious organizational facades to proclaim the practice of religious freedom but appears to have long since purged the membership out of existence. Persons whose family or relatives once had a strong religious involvement are discriminated against. Though religious practice appears impossible, some foreign visitors to North Korea believe that the Government does not currently persecute the small number of Christians who continue to worship at home.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Internal travel in North Korea is strictly controlled. A travel pass is required for any movement outside one's home village and is granted only for required official or personal travel. This requirement is strictly enforced. Foreign travel is limited to officials or trusted artists and performers. Emigration is not allowed, and few refugees or defectors succeed in fleeing the country. Retaliation reportedly is taken against the relatives of those few persons who manage to escape. According to Freedom House, "rights to travel internally and externally are perhaps the most restricted in the world: tourism is unknown--even to communist countries."

## DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

In 1959 North Korea began actively encouraging Korean residents overseas to repatriate to "the Fatherland." Some observers estimate that during the next several years over 100,000 overseas Koreans, almost all from Japan, voluntarily repatriated to North Korea. Since then, however, reports of the harsh treatment given repatriates reached overseas Koreans, reducing the flow to North Korea to a trickle. (Because of their "corruption" by exposure to foreign influences, repatriates are isolated from North Korean society after their arrival until they can be indoctrinated and their ideological reliability gauged.)

North Korea has permitted some overseas Korean residents to enter its territory to visit their relatives, and several have made repeat visits.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Political processes in North Korea are dominated by Kim Il-sung, who leads the Korean Workers' Party, and also heads the Government. Kim has groomed his son Kim Chong-il to succeed him, and there are reports that Kim Chong-il has been acquiring increasing power and influence. The legislature, the Supreme People's Assembly, has never taken any action other than unanimous passage of resolutions presented to it by the leadership. In an effort to create an appearance of democracy, North Korea has created several "minority parties." They exist only as rosters of officials who have token representation in the People's Assembly and completely support the government line.

Free elections do not exist in North Korea. Although elections to the Supreme People's Assembly were held in February 1982, and to city and county assemblies in March 1983, in all cases only one candidate was approved by the government party in each electoral district, and, according to the government-controlled media, 100 percent of the voters turned out to elect 100 percent of the approved candidates. Such "elections" in reality are a mandatory exercise in which voters are required to participate and to approve the party's candidates.

The average citizen is completely excluded from any real participation in the political process. To achieve even a semblance of real participation, one must become a member of the Korean Worker's Party. The selection process for entrance to the party is long and rigorous. Individuals from "bad social backgrounds," i.e., those who have relatives who fled south during the Korean War, those whose families had strong religious involvement or were once property owners or members of the bourgeoisie, and those who have relatives who are political prisoners, effectively are denied entry into the party and are discriminated against. Most levels of the party have no voice, serving only to carry out the decrees and "on the spot guidance" promulgated by party leader Kim Il-sung and his top subordinates.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

No organizations exist within North Korea to report on or observe human rights violations. North Korea does not participate in any international or regional human rights organizations. On September 14, 1981, North Korea acceded to the International Covenant on Civil and Political Rights (ICCPR) and the International Convenant on Economic, Social and Cultural Rights. At the March-April 1984 session of the Human Rights Committee, an expert body consisting of members elected by state parties to the ICCPR, members criticized a report submitted by North Korea on its human rights practices as too short and inadequate. The North Korean representative denied that his country had any problems at all, prompting an expert member to urge that the North Korean's assurances of freedom of religion, political activity, and travel outside Korea be made known to the North Korean people.

Amnesty International has requested a visit to North Korea; the Government has not responded to or acknowledged this request. A December 1982 request by Amnesty International for information on North Korean laws, on use of the death penalty, and on reports of arrests and long-term imprisonment of political figures also received no reply.

The Amnesty International 1984 Report noted that its work continued to be seriously impaired by the absence of any official information during the year concerning any arrests, trials, or death sentences, that it continued to investigate reports that four prominent political figures had been detained for several years, and that it did not receive any replies to correspondence directed to the Government. Freedom House, in its 1984-85 report, lists North Korea as "not free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

North Korea is a less-developed country with a highly centralized, planned economy. Many observers believe that, after a short period of rapid growth in the early 1970's, the economy experienced difficulties in subsequent years due largely to economic policies that overemphasized military expenditures, stressed attainment of self-sufficiency, and pushed for rapid growth of heavy industry. More than twenty percent of North Korea's Gross National Product is committed to military expenditures, the second highest such rate in the world.

In the early 1980's the Government gradually has shifted its policy emphasis toward expanding trade. In September 1984, North Korea promulgated a joint ventures law to attract foreign capital and technology. As yet there is little evidence of foreign investor interest or any shift in internal economic priorities away from support of military industry. The apparent shift in economic policy is also shown by North Korea's apparent willingness to discuss economic trade and cooperation with the Republic of Korea.

The population of North Korea is estimated to be about 19 million, with an annual growth rate of 2.3 percent. The 1984 infant mortality rate was 30 per 1,000 live births. Life expectancy at birth was 65.8 years in 1984. The World Bank estimated in 1981 that the calorie supply available for consumption was 129 percent of nutritional requirements.

North Korea appears to have invested considerable effort and money in developing a comprehensive health care system. Both pre- and post-working age citizens are cared for by the state. Basic food supplies are heavily subsidized and rationed. There were some reports of reduced rations and food shortages in 1983; the proportion of rice in the grain ration has been steadily reduced with grains considered less desirable, such as millet or barley, being substituted. Reportedly, because quality foods are difficult to obtain, jobs in food-handling industries are highly prized. Foreign visitors have noted that North Koreans they observed appeared adequately fed. Per capita income was estimated to be $968 in 1982.

The party, government, and military elite enjoy significant economic privileges, such as access to special stores and medical facilities, better housing, and better education, which are not available to ordinary citizens.

The North Korean Government provides 11 years of compulsory free education to its citizens and claims to have eliminated illiteracy. The adjusted primary school enrollment ratios for 1976 were 96.6 for females and 101 for males, for a combined ratio of 98.7.

The Constitution states that "women hold equal social status and rights with men." Despite this provision, few women reach high levels of the party or the Government. Women are represented proportionally in the labor force, and personnel in small factories are predominately women. Reportedly, women are often paid less than men for similar work.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: KOREA, NORTH

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.AID ................. | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.0 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 3.6 | 0.2 | 0.0 | 4.1 |
| IBRD | 0.0 | 0.0 | 0.0 | 0.0 |
| IFC | 0.0 | 0.0 | 0.0 | 0.0 |
| IDA | 0.0 | 0.0 | 0.0 | 0.0 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 3.6 | 0.2 | 0.0 | 4.1 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 0.0 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## REPUBLIC OF KOREA

In the Republic of Korea, President Chun Doo Hwan, with the support of the country's military establishment, dominates the political scene. The elected legislature has some influence but continues to be controlled by the executive branch. The Government, which assumed power with primarily military support in 1980, is organized under a Constitution adopted by referendum in October 1980. Because of the threat from an aggressive Communist regime in North Korea, all Korean governments since the Republic's founding in 1948 have felt it necessary to give top priority to maintaining external and internal security; their policies in this respect, as implemented in part by the large and well-organized security services, have brought charges that dissent and peaceful opposition political activity are suppressed, and to many Koreans the degree of legitimacy of the Chun Government is open to question. At the time of the next presidential election, scheduled for 1988, President Chun has promised to step down to provide for a peaceful and constitutional change of power.

The Republic of Korea has a mixed economy with extensive public sector intervention to stimulate and influence the direction of private sector activity. Since adopting an outward-looking development strategy in the mid-1960's, the Republic of Korea has had one of the highest real growth rates in the world and has achieved middle-income, "middle power" status. Since 1981, the economic leadership has moved toward a more open, freer market system.

Korea is an ethnically homogeneous nation. Surrounded by great powers--China, Japan, and in modern times the USSR--Korea historically focused its foreign policy on the objective of avoiding subjugation by these neighbors. In 1910, Korea was annexed by the Japanese Empire. Liberated in 1945, it was then divided into temporary Soviet and American zones of military administration, organized in 1948 as, respectively, the Democratic People's Republic of Korea, or North Korea, and the Republic of Korea, or South Korea.

Since the division of the peninsula in 1945, reunification has been a major goal of Koreans on both sides of the dividing line. North Korea, however, has insisted on reunifying the nation on its own terms and through any means, including use of military force or terrorist activities. Despite North Korea's delivery of flood relief goods to the South in 1984 and its positive response to South Korean proposals to hold North-South talks on economic cooperation and family reunification, military activities against the South continued, including continuing forward deployment of its armed forces. The memory of the 1983 Rangoon bombing against South Korean leaders, which the Burmese government determined was carried out by North Korea, is still fresh in the minds of South Koreans. The area on either side of the Demilitarized Zone remains one of the most heavily armed regions in the world. During the defection of a Soviet language student across the DMZ on November 23, 30-40 North Koreans soldiers crossed the DMZ and exchanged fire with South Korean and American UN Command guards in an effort to retrieve the Soviet student.

Furthermore, North Korea continues to strengthen its offensive force structure. Over the years, unremitting North Korean propaganda, overt and covert, has been directed at South

Korea, calling for the destruction of American and South Korean installations, violence against South Korean leaders, and the overthrow of the South Korean Government.

Thus, fear of another invasion from the North is a fundamental factor in South Korean thinking, and successive governments have held that for security reasons the Republic cannot afford the unfettered dissent and discord which would be permitted in an open political system. Nonetheless, many Koreans question the rationale for this position.

Korea's traditional sociopolitical ideology, Confucianism, with its emphasis on order, conformity, consensus and filial piety, retains great strength, coexisting uneasily with the Western democratic ideals and industrial-age values to which Koreans have been exposed in this century.

Koreans of both sexes participate in politics. Constitutional safeguards against ex post facto laws and double jeopardy are generally observed. Although the Constitution guarantees freedom of speech and the press, in practice both are abridged. Politicians and others who publicly criticize the Government are aware that there are limits beyond which they may be subject to some form of government action. Newspapers are expected to practice self-censorship, and failure to comply with this requirement has led to interrogation and, on occasion, dismissals of reporters and editors. The law limits the freedom to assemble and demonstrate, although in 1984, in a break with past practice, the Government did not apply the law to university campuses and arrests have accordingly been sharply reduced. Religious freedom, though otherwise complete, does not extend to churches' involvement in political and some forms of social action. There is freedom of movement within the country and freedom to travel abroad, except that passport applications from persons with a history of political opposition are considered on a case-by-case basis and some are not allowed to leave the country.

During 1984 the Government took several significant positive steps in the human rights field. More than 220 students jailed for campus demonstrations were released from prison during the year in three separate amnesties, and about 1,400 students previously expelled for political activism were allowed to reenroll at their old campuses. About half this number had actually returned by the fall term. Some 86 dissident professors, banned from teaching since 1980, were also permitted to teach again at their original campuses. In early 1984 the Government initiated a policy of "campus autonomy" under which it withdrew security forces from university campuses, a major student demand; allowed peaceful demonstrations on campuses; and stated that henceforth universities would bear the primary responsibility for enforcing campus discipline. In the face of increased student resistance measures, the Government in November warned that it was prepared to have police enter campuses even without intervention requests by school officials. In practice, however, security forces only entered campuses on a few occasions. However, students have accused the Government of maintaining campus networks of police informers. Student attempts to move demonstrations off campus were met by large government security forces, which led to violent confrontations at university gates and, on occasion, elsewhere in downtown Seoul.

## REPUBLIC OF KOREA

In another amnesty move, the Government restored civil rights to more than than 700 former political prisoners, including some prominent intellectuals and human rights activists, and many convicted under emergency decrees of the Park Chung Hee government. The Government also announced that journalists who had been banned from employment since 1980 could be reemployed at the discretion of their former employers, and some have gone back to work. As a result of the large-scale amnesties carried out early in the year, the number of prisoners in politically-related cases was reduced to about 110, the lowest since the Fifth Republic came into being in 1980. About one-third that number are Korean residents of Japan convicted of espionage on behalf of North Korea, and most of the rest are convicted of National Security Law violations or activities involving the use or planned use of violence. However, the Government's current tactic of holding off-campus demonstration leaders in jail for brief periods, after summary convictions on minor charges, means that the total number of prisoners at any one time may be greater than the number of arrested and convicted persons on the "prisoner of conscience" list.

In 1980, the Government imposed an eight-year ban on political activities of 551 former politicians. Following Government action in 1983 to lift the ban on 250 of them, in 1984 the Government lifted the ban on 286 more, leaving a total of 15 still affected. The 15, however, included several of Korea's major former opposition party leaders. One of the most prominent of these, Kim Dae Jung, has been in the United States for two years for medical treatment. Although he faces possible arrest and an unexpired prison sentence in Korea, he has announced plans to return early in 1985.

Torture or severe physical mistreatment by the police occurred in 1984, but there were no reports of this abuse occurring in politically sensitive cases. Some female student demonstrators, however, charged that they were subjected to abusive strip searches by the police. The Government has said that it is trying to eliminate the deeply-rooted problem of abusive treatment by police, especially beatings of suspects during interrogation. This effort apparently has high-level support within the Government, as indicated by the passage in December 1983 of a law providing penalties up to life imprisonment for officials committing acts of torture. However, the problem, though diminished, has not disappeared. In addition to the police, there are two other security services whose agents are alleged to have beaten or otherwise mistreated suspects as well as dissidents, including students and activist workers, who were not in custody.

Prison conditions remain spartan, and there are reports of hunger strikes and other protests, especially by students. There were no allegations of murder against the Government in 1984.

Strong forces within Korea seek improvements in human rights and liberalization of the Governing structure, notably some Christian churches' leadership and the rising middle class. Formidable obstacles to these forces exist, primarily Korea's Confucianist hierarchical traditions and the lack of enthusiasm on the part of the powerful military officer corps for direct participation by all Koreans in the democratic process and for freedom of expression. Furthermore, the perceived need for unity in the face of the North Korean threat inhibits efforts for political change which might affect stability.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

### a. Political Killing

There were no reports in 1984 of politically motivated killings by the Government.

### b. Disappearance

There were no cases of permanent disappearance in 1984, although the police sometimes waited for more than the legal maximum of 40 days before notifying the families of arrested persons.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture. Confessions determined to have been induced by duress are inadmissible in the courts, and a confession alone is not legally sufficient to secure a conviction. The Government insists that it has issued injunctions against torture and that these are strictly enforced and violations sternly punished. Nevertheless, while there were no allegations of torture in politically sensitive cases in 1984, there were continuing reports of beatings by police during interrogations of prisoners. Two female students who had been detained for participating in an off-campus demonstration filed suit against police whom they accused of conducting abusive strip searches. The use of excessive force by the police, despite high-level efforts to reduce or eliminate it, has proven to be a pervasive and ingrained problem. In violent confrontations with student rioters, police units have generally remained well-disciplined but rioters have also been beaten on apprehension. Accusations of police beatings in non-political cases occur fairly frequently and are sometimes reported in the press. No case has yet been brought under the law adopted by the National Assembly in 1983 toughening sentences for those convicted of killing or injuring through torture.

Human rights groups allege, in addition, that the police and other government security agencies have been responsible for, or have not intervened to prevent, the beating of some students, workers and other dissidents not in custody. A human rights activist leader was beaten at his church by men that some Christian activists linked to the security services. The Government denied the connection.

In early 1984 the Government arrested a prominent clergyman and two professors who had been conducting a study of reunification policies and charged them with violating the National Security Law. These dissidents were subsequently released without trial, but Christian activists state that the Government used threats to coerce the defendants into making public expressions of regret as a condition of their release. Activists also accuse police of forcing students under investigation for connection with workers issues into signing confessions of subversive activities. There is no evidence on the record to support these charges.

Conditions in Korean correctional institutions are spartan, and discipline is strict. While prisoners who break rules or protest conditions are sometimes beaten, under normal circumstances convicts are not subjected to physical punishment. Prisoners may receive visits only from their lawyers and immediate families. There does not seem to be a difference between the treatment of political and non-political prisoners, although the authorities have occasionally allowed special provisions for political prisoners, such as heaters during the winter or examination by outside physicians. There is no apparent difference in the treatment of prisoners on the basis of wealth, social class, race, or sex.

### d. Arbitrary Arrest, Detention, or Exile

From time to time, the security services have not only detained persons accused of violating laws on political dissent but have also increased surveillance of, or put under house arrest, those they think intend to violate the laws. Dissidents who openly criticize the Government are sometimes picked up for short periods and then released. Arrest warrants are required by law but are sometimes not produced at the time of arrest in politically-related cases.

Korean law requires that, within 40 days after making an arrest, the police notify an arrested person's family of his detention and whereabouts. The police normally wait at least several days, and occasionally more than 40 days, before making notification. The Constitution guarantees the right of prompt legal assistance and the right to request court review in case of arrest. For persons deemed "socially dangerous" the law allows preventive detention under provisions of the Social Protection and Social Stability Laws. Preventive detention is for a fixed term, which, however, a judicial panel may extend for periods of up to 10 years. Human rights activists and foreign observers are aware of two persons now in preventive detention for politically-related offenses, their detention having been renewed in 1984 for two more years.

Habeas corpus, not traditional in Korean law, was introduced after World War II, abolished in the 1970's, and reintroduced in 1980. It does not apply to those charged with violations of the National Security Act or laws punishable by at least 5 years imprisonment, which include most political offenses.

The Government released 229 students from jail in four amnesties between February and May. All the students had been arrested for anti-government campus demonstrations, though some had also been convicted of National Security Law violations. With these releases, the total of student demonstators released since December 1983 grew to 360, and the jails were empty of student demonstrators for the first time in years. A small number of students convicted under the National Security Law for carrying out subversive activities is still imprisoned. In a Liberation Day amnesty the Government restored civil rights to 714 former political offenders, including a number of human rights leaders, intellectuals and former politicians. The Government also announced that it will erase the criminal records of about 5,000 Koreans for wartime collaboration with North Korean occupation forces, thus easing employment and other social difficulties for those affected.

Following the last student release in May, a list of "prisoners of conscience" maintained by the Human Rights Committee (HRC) of the Korea National Council of Churches contained 52 names, a low since the beginning of the present Government. (The HRC definition of "prisoner of conscience" does not exclude those convicted of crimes involving the advocacy or use of violence, contrary to Amnesty International's definition.) This figure compares to 325 at the end of 1983, 417 in November 1982, and 272 in November 1981. Subsequent arrests and the addition of newly discovered cases, mainly Korean residents of Japan convicted, in prior years, of espionage for North Korea, brought the number on the list to about 110. However, student-police confrontations off-campus and student violence on-and off-campus in the fall of 1984 resulted in a large number of persons being arrested and sentenced to brief periods of detention on minor charges after summary convictions. These do not figure in the political prisoner list.

### e. Denial of Fair Public Trial

The Constitution guarantees many rights of defendants: the right to presumption of innocence; the right against self-incrimination, ex post facto laws, and double jeopardy; the right to a speedy trial; and the right to legal counsel. These rights are generally observed, although there have been cases in the past in which defendants in politically-sensitive trials have not been able to obtain lawyers, reportedly because of lawyers' reluctance to accept such cases in the fact of actual or potential government pressure.

The President appoints the members of the Supreme Court, whose Chief Justice in turn appoints lower-level judges. The judiciary is considered independent in ordinary criminal and civil cases but much less so in politically-sensitive cases. It is generally assumed, for example, that the original and appeal verdicts in the case of six Chinese airplane hijackers tried before Seoul courts were guided by foreign relations considerations.

Trials are usually open to the public, but trial documents are not part of the public record. Charges against defendants in the courts are clearly stated, with the exception that, in lengthy and complex indictments, the relationship between specific acts alleged and violations of specific sections of the penal code may not always be clearly drawn. In cases involving a mixture of political and criminal charges this can bring into question the fairness of proceedings.

The same courts try political and ordinary criminal cases. The military courts do not try civilians. Defendants have the right of appeal in felony cases, a right which is often exercised and frequently results in substantial reductions in sentences. Death sentences are automatically appealed.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The security apparatus is large and highly developed. Many opposition figures and political and religious dissidents are subjected to surveillance. During politically sensitive periods, this surveillance by one or more security agencies may increase or a form of house arrest may be imposed. There have also been charges of telephone tapping and opening or interception of correspondence. Koreans who meet with foreigners, particularly with journalists and embassy officials, are often questioned afterwards. While the Constitution requires a warrant, issued by a judge upon request of a prosecutor, for search and seizure in a residence, the police have at times forced their way into private homes without warrants.

Korean police practice requires police commanders to know a good deal about the personal and business affairs of all residents in their jurisdictions. This system is effective in crime control, and urban residents generally credit it with keeping their streets safe. By contrast, the presence of police informer networks on college campuses with the primary purpose of keeping track of political activities there has been a key issue among students, including those who are not politically active. Students have accused the Government of maintaining police informers on-campus even after uniformed forces were withdrawn in accordance with the "campus autonomy" policy.

In most other respects the Government honors the right of personal privacy and the integrity of the home and family. Parental rights to educate children are broad, and restrictions on study in foreign-administered schools (whether in Korea or overseas), originally imposed to force wealthy Koreans to involve themselves in the nation's social and educational development, have been relaxed in recent years. The state rarely seeks to intervene in such inherently personal decisions as marriage, choice of vocation, and formation of social and familial ties. However, the state, by setting graduation levels at higher education institutions, does seek to guide the mixture of graduates according to predicted future manpower needs.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Although freedom of speech and press are guaranteed by the Constitution, in practice the expression of opposition viewpoints is severely limited. Dissidents are sometimes restricted in their meetings and movements in periods judged volatile by the Government. Members of the National Assembly frequently criticize particular government actions or policies but are careful to stop short of fundamental criticism of the Government itself, such as attacks on its legitimacy or personal attacks on the President. However, formal proposals for votes of "no confidence" at the Assembly and the stated rationale therefore are given full publicity. Likewise, criticism of government policies (for example, the campus autonomy policy) is reported by the media. While no direct actions against Assemblymen were taken in direct response to opinions expressed in the legislature, two Assemblymen who attempted to switch allegiance to a new opposition party were detained for three days in December. Discussion of security, formulas for political settlement with North Korea, the legitimacy of the Chun administration, and other sensitive topics is sharply curtailed. Academic freedom is subject to some political limitations, although 86 professors who lost their jobs in the political upheavals of 1980 were allowed during 1984 to return to teaching at the schools at which they had last taught.

The domestic media engage in self-censorship, according to verbal or written guidelines the Government regularly gives to editors. Journalists who object to or ignore these guidelines or criticize the guidance system have, in the past, been picked up for questioning, and on occasion dismissed or sent out of the country on assignment. There was a reliable report in 1984 of a journalist whose columns were critical of the Government being sent abroad for study.

The extent of journalistic free expression varies. For example, when the National Assembly is in session, opposition viewpoints have been rather fully reported in the press. Increased reporting in 1984 was permitted by government authorities on the activities of dissident politicians and groups, including student movements. Reporting on dissidents was factual without editorial comment; reporting on student demonstrations was marked by editorial comment highlighting the socially disruptive nature of their activities. Also, increased press exposure was given to certain topics considered politically sensitive by the Government. For example, a public seminar on the nature of the political transition in 1988 was fully reported. However, a subsequent magazine article carrying complete texts, though planned, never appeared. Articles by opposition and dissident politicians increased, both in number and directness of criticism against the Government. A scandal allegedly involving a leading member of the ruling party received full coverage in the press and the publicity led to his resignation.

More books by dissident religious and political figures appeared in bookstores than in recent years. Some books, however, continue to be confiscated or banned from sale. Approved books on Communist and socialist theory are studied in universities and can be found in bookstores, but many books and artistic works with "socialist" themes are banned.

### b. Freedom of Peaceful Assembly and Association

There are thousands of private organizations in Korea. Most peaceful non-political assemblies take place entirely without official supervision or restriction.

The Law on Assembly and Demonstrations prohibits specified categories of assembly, including those considered likely to undermine public order or cause social unrest. The law also requires that demonstrations of all types and outdoor political assemblies be reported in advance to the police. Violation of the law carries a maximum sentence of seven years or a fine of about $3,750. Under this law, police have at times intervened and broken up meetings.

Before the release this year and last of all students imprisoned for taking part in demonstrations, far more than half of all Korea's "prisoners of conscience" were imprisoned for violation of this law. In 1984 students have not been arrested for taking part in on-campus demonstrations; almost all students arrested in connection with demonstrations off-campus have been charged with minor offenses against public order and released after short periods of time, rather than convicted under this law. Only a small number of people were convicted and sentenced under this law in 1984, in particular ten taxi drivers who were convicted in connection with demonstrations in Taegu and Pusan. They were sentenced and released.

The single national labor federation, the Federation of Korean Trade Unions (FKTU), and its 16 national affiliate unions are not controlled by the government. Their freedom of action, however, is severely circumscribed by law. Labor organizations are forbidden to support politicians or political parties, though the FKTU does lobby national assemblymen, particularly of the ruling Democratic Justice Party, and assemblymen often attend labor-organized gatherings. All local unions must be organized within individual enterprises, creating a structure of thousands of individual unions, most of them small and weak. Direct participation in local unions' bargaining activities by outside agencies such as the Asian-American Free Labor Institute, which maintains an office in Korea, is forbidden. The Asian-American Free Labor Institute maintains an office in Korea. The FKTU and its constituent national unions can and sometimes do bargain on behalf of the locals and conduct education programs, but only with government and employer approval. Collective actions and strikes, though technically legal, are to all intents and purposes forbidden. Religious labor ministries such as the Catholic Young Christian Workers and the Protestant Urban Industrial Mission are also severely limited in the assistance which they can provide the unions. Under these circumstances, government and employer influence has greatly exceeded that of unions in setting wages and resolving other major labor issues.

According to FKTU figures, dues-paying union membership in 1984 increased by four percent, after four years of decline. International contacts by the unions increased, with the FKTU and its member unions hosting three regional conferences, including the Asian meeting of the International Confederation of Free Trade Unions (ICFTU). The Republic of Korea sent an observer delegation to the annual conference of the International Labor Organization in 1984. The FKTU is affiliated with the ICFTU, and FKTU member unions are affiliated with recognized international trade union federations.

c. Freedom of Religion

There is no state-favored religion in Korea. There is complete freedom of proselytizing, doctrinal teaching, and conversion. Minority sects are not discriminated against, and adherence to a faith confers neither advantages nor disadvantages in civil, military, or official life. Churches and religious groups are subject to the same restrictions on political activity and criticism of the Government as are all other institutions in Korea. Conscientious objectors are subject to arrest.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

There is essentially complete freedom of movement and freedom to change employment in Korea. Because Korea is one of the most densely populated areas of the world, the Government encourages a modest level of emigration. It does not discriminate against prospective emigrants. Most people can obtain passports, except for criminals or, in some cases, persons considered politically suspect. A number of dissidents, former political prisoners, and persons banned from political activity have been allowed to travel abroad. Foreign exchange considerations have caused the Government to limit to some extent the number of tourist passports issued. Passports, when issued, are typically limited to one year, although there are exceptions in which passports are issued up to the legally maximum 5-year validity.

A small continuing influx of Vietnamese boat refugees is admitted to first asylum in Korea. They are cared for at a camp in Pusan by the Korean Red Cross until they can be resettled abroad. Over 600 such refugees have passed through Korea in the last several years.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Korea's Constitution and statutes, as well as its traditions, concentrate their political power in the President, a concentration further intensified by the support the President enjoys from the military establishment. The President and the members of the National Assembly are the only elected officials in Korea. Under the 1980 Presidential Election Law, the President is chosen by an electoral college of about 5,000 members. By law, presidential campaigns are brief, and candidates are severely restricted in campaigning, including both the amount they may spend and the methods they may use to appeal to voters. In the 1981 Presidential election these restrictions, together with the authorities' careful screening of electoral college candidates and the reluctance of several strong potential presidential candidates to run, resulted in the virtual absence of effective opposition to incumbent President Chun Doo Hwan, who won by a nearly unanimous electoral vote. The Constitution limits the President to a single seven-year term and cannot be amended to allow the incumbent President to continue in office.

The next presidential election is scheduled for 1988. President Chun has reaffirmed that he intends to step down at that time to provide for a peaceful and constitutional transfer of power.

The National Assembly, although politically weak, is important as a forum for the expression of divergent views of the Government's programs. Recent changes in the Assembly Law have given the Assembly a somewhat increased role in examining government actions. Interpellations of Ministers have been increasingly pointed and debate among the parties increasingly vigorous. Legislation normally originates with the executive branch, although the Assembly has at times passed or blocked laws contrary to the President's wishes. Members of the Assembly, who serve a four-year term, are Korea's only directly-elected public officials. The election laws passed in 1981 provide for a proportional representation system that reserves 92 of the Assembly's 276 seats for members appointed by the parties, with two-thirds of those seats awarded to the party which gains a plurality of the popular vote. In the Assembly elections of March 1981, the authorities brought various forms of pressure to bear to discourage some potential candidates but did not interfere in the voting. Of the 184 Assembly seats to be filled by elections, the government party ran candidates for 92, of which it won 90, along with a 36 percent plurality of the popular vote. The government party was accordingly awarded 61 proportional representation seats, giving it a comfortable majority in the National Assembly. Opposition parties divided the remaining seats. During 1984 preparations were being made for the next Assembly elections, expected early in 1985. Korean observers expect these elections to provide a benchmark of the extent of progress in increasing freedom of political choice.

While the Constitution provides for local autonomy, the Government has resisted implementation on the grounds that the financial preconditions established by law have not been met.

The laws governing participation in the political process were enacted in 1981 just prior to the lifting of martial law. All existing parties were disbanded and new ones were formed. At that time, a law was enacted barring 551 persons from taking part in any political activity for eight years. The Government in February and November 1984 reduced the number of banned politicians to 15. The most prominent persons affected by this ban remain covered by it, although during 1984 many of the banned politicians were being allowed to carry out limited political activity.

One of the most prominent of those still banned, Kim Dae Jung, has said he will to return to Korea early in 1985 from his two-year stay in the United States. In the 1971 presidential election, he garnered nearly half the vote. Subsequently, his political activity in Korea and abroad cost him time in jail and a death sentence (later commuted to 20 years' imprisonment). He was released from prison in 1982 to come to the United States for medical treatment. The Government's official position is that it will "take necessary measures in accordance with the law if he returns home."

Koreans, other than those under this political ban, are free to belong to and participate in the activities of political parties. However, these parties have had difficulty attracting a popular following for a number of reasons. The Government may dissolve any party it deems contrary to "basic democratic order;" the electoral laws put time and fiscal constraints on campaigning which cause all parties, and particularly the opposition, significant difficulties in publicizing their programs; and the Government can and does veto their choices of leaders, candidates, and policy positions.

In December 1984, two members of the opposition Democratic Korea Party who had defected to a new opposition party were detained for three days by a security service. The new party is being formed with significant participation by politicians from whom the ban on political activity had been lifted this year. Many observers believe that the detention was a government effort to discourage greater participation in the new opposition party.

Limitations on freedom of the press also cause opposition parties particular difficulties. Opposition parties have not succeeded in modifying the election laws significantly in time for the 1985 elections.

Women are free to vote, become government officials and run for the National Assembly; they hold seven Assembly seats, all but one appointed by their parties. In practice, the power structure remains male-dominated.

## REPUBLIC OF KOREA

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Republic of Korea does not belong to any international human rights bodies and usually does not welcome outside involvement in the human rights area. The Government tolerates the existence of domestic human rights groups but closely monitors their operations.

There are no government agencies charged with the protection of human rights, although political parties and the National Assembly have committees which are concerned with oversight of some aspects of the issue. A number of private organizations are also active in this area, chiefly the Human Rights Committee of the Korean National Council of Churches, the Catholic Justice and Peace Committee, and the Korea Legal Aid Center in Seoul. The Human Rights Committee has ties with the World Council of Churches. The Committee and other human rights organizations submit petitions to the Government and make their views known both inside and outside Korea. Most observers believe that these organizations have been relatively effective in furthering their aims, depending on the issue. People working with these groups are sometimes questioned and, on occasion, visited or detained by the security services, though apparently none have been arrested in the past several years.

The Amnesty International 1984 Report expressed its concern about the detention of prisoners of conscience, reports of torture and unfair trials, widespread arrest of students, the use of short-term detention without charge, and house arrest against students and other critics of the Government. Freedom House lists Korea as "partly free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The Republic of Korea is one of the most densely populated countries in the world, with 7.4 persons per acre of arable land. Only 22 percent of its 24.4 million acres are arable. The nation's physical wealth is sparse; most of the natural resources of the Korean peninsula are found in North Korea. The Republic's major economic asset is its well-educated and productive work force. The population reached 42 million in 1984, but the growth rate has dropped to 1.5 percent, due in part to concerted efforts by the Government to popularize voluntary family planning.

Skillful management by Korean economic technocrats, many of them graduates of leading Western universities, has given Korea one of the world's most dynamic economies. Since 1965, economic growth in real terms has averaged about 9 percent per year; in 1984 it was about 8 percent. Per capita gross national product has grown from $100 in 1965 to about $1,900 in 1982. The widespread distribution of income gains and the approximate parity between rural and urban household incomes have increased dramatically the nutrition, health, living conditions, and economic choices of the entire population.

The economy is a blend of private sector firms and individuals and public sector enterprises. As the gross national product has grown to almost $75 billion in 1982, the Government has begun to rely increasingly on market forces to allocate resources and is gradually liberalizing its control over imports, foreign investment, and the domestic financial sector.

Participation in the economy and a share of its benefits are effectively open to all. The right to own property, alone and in association with others, is recognized in law and practice. There is no economic discrimination based on race or religion. Discrimination against women is declining, although as in most traditional Asian societies men still tend to be the primary income earners and property owners.

A series of major revisions to the legal code in recent years has given women rights in inheritance, child custody, family headship, and other areas which law and Confucian tradition had long denied them. Women enjoy full access to educational opportunities at all levels. They are increasingly represented, though still largely at entry levels, in the military, the police, the civil service, the professions, and private industry. They are not legally protected against discrimination in hiring, pay, or advancement, and these remain problem areas. For example, according to the Korea Employers' Federation, the average wage of female workers is 46.8 percent of that of male workers. Korea has not developed a politically powerful feminist movement, but consciousness of women's issues has been increasing. During 1984 women's groups organized a federation to campaign for revision of the Family Law, including provisions concerning the head of family system, and in favor of equal property rights in case of divorce and equal rights in child custody. Traditional Confucian influence remains strong, however. The Government announced that it would ask the National Assembly to ratify the U.N. Convention on the Prevention of Discrimination Against Women with a reservation on Articles 9 and 16, which conflict with present domestic Korean law.

Improved health care and nutrition were responsible for increasing Korean life expectancy at birth to 68 years in 1984. By 1984 infant mortality declined to 30.4 deaths per 1,000 live births. Access to safe drinking water increased to 71 percent of the population in 1979. Caloric intake in 1981 was 126 percent of minimum nutritional requirements.

Education receives high priority in government policy. The adult literacy rate increased to 93 percent in 1978. Primary school education is universal for both sexes, and over 90 percent of elementary students enter secondary school. Entrance to institutions of higher education is highly competitive. Only about 50 percent of those who wish to attend are able to do so. There is a substantial amount of social mobility based on the merit system in education and employment.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: KOREA, REPUBLIC OF

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.AID ................ | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.0 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 167.4 | 186.7 | 231.8 |
| LOANS.............. | 166.0 | 185.0 | 230.0 |
| GRANTS............. | 1.4 | 1.7 | 1.8 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 166.0 | 185.0 | 230.0 |
| C.INTL MIL.ED.TRNG.... | 1.4 | 1.7 | 1.8 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 167.4 | 186.7 | 231.8 |
| LOANS.............. | 166.0 | 185.0 | 230.0 |
| GRANTS............. | 1.4 | 1.7 | 1.8 |
| OTHER US LOANS.......... | 58.7 | 9.0 | 0.0 |
| EX-IM BANK LOANS....... | 58.7 | 9.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 607.1 | 942.4 | 975.9 | 7394.5 |
| IBRD | 470.0 | 672.0 | 768.5 | 5269.3 |
| IFC | 1.7 | 2.2 | 34.6 | 164.1 |
| IDA | 0.0 | 0.0 | 0.0 | 106.9 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 132.2 | 265.5 | 172.8 | 1804.3 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 0.5 | 2.7 | 0.0 | 34.5 |
| OTHER-UN | 2.7 | 0.0 | 0.0 | 15.4 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## LAOS

The Lao People's Democratic Republic is ruled by a Communist government established in December 1975 after a 20-year insurgency supported by North Vietnam. It takes its political ideology from Marx, Lenin, and Ho Chi Minh. It is dependent on Vietnamese and Soviet military and economic support to retain power. There are about 50,000 Vietnamese troops in Laos. The country is ruled by a single political party, the Lao People's Revolutionary Party. The Government's insecurity and efforts to establish a Communist political and economic structure based on the Soviet and Vietnamese models have resulted in numerous human rights violations. Laos' estimated 3.7 million ethnically diverse people, scattered over more than 91,000 square miles of rugged terrain, have no common national history and share few common values. National institutions remain weak. There is no constitution or codified body of law. No national elections have been held since the establishment of the regime.

Laos is an extremely poor and underdeveloped country which gained independence from France in 1954. It found itself on the frontier between the Communist and non-Communist elements in southeast Asia, and between major regional rivals, Thailand and Vietnam. Factional fighting among the Communist Pathet Lao, Neutralists, and Royalists lasted until the Communist victory in 1975. Regional and domestic political tension, scattered anti-government resistance activity, and poor economic conditions continue, contributing to a siege mentality on the part of the narrowly-based Lao leadership. The state security apparatus, which reinforces central control through threats, fear, intimidation, and imprisonment, is a primary source of human rights abuses.

There is evidence, which the United Nations has investigated, that since the Communist takeover in 1975 toxin/chemical weapons have been used in contravention of international law against Hmong and other tribespeople in Laos by the Government and/or Vietnamese forces. Since 1983, however, there has been a decrease in toxic agent attack reports. The Government has denied these reports and has refused to permit U.N. investigators on its territory.

After taking over in 1975, the new regime arrested many officials of the former Government and sent them to remote prisons it referred to as "re-education camps." A number of prisoners died in these camps, some were subsequently released, and a relatively small number are still held under guard in harsh conditions. Most, however, have been released to a kind of internal exile with restrictions only on travel. Although many officials of the previous Government remained at their posts after 1975, the original arrests frightened a large percentage of the small middle class, including Chinese and Vietnamese urban traders and artisans, who fled the country. Since 1975, more than 300,000 persons, about 8 percent of the population, have fled Laos. After dropping for several years, the rate of departures rose dramatically in 1984, primarily in response to perceived renewed resettlement opportunities in third countries and as a reflection of greater frustration with continuing economic hardship and lack of opportunity to improve one's lot in Laos. The departure of a significant portion of the skilled middle class has held back economic progress, as have the Government's preoccupation with political and military security and its mistrust of the few well-educated persons who have remained. The nation's mountainous geography, pronounced ethnic cleavages, and lack of support for the Government among the populace also make progress difficult. The Government's stated policy is eventually to eliminate private ownership of business. It openly admits that it is presently unable to run the economy without the assistance of private businesses and so tolerates their continued existence.

Human rights violations, such as arbitrary arrests and detention without trial, continued in 1984, and the individual remains subject to the arbitrary control of the state and the Communist Party. Compared with the period just after the Communist take-over, in 1983 and 1984 there have been a few limited improvements in some human rights in Laos, although very serious abuses persist. In 1984, apparently only a few people were sent to "re-education camps," many were released, and the conditions of some who remain under detention reportedly improved. Lao culture, however, emphasizes humane values which tend to mitigate somewhat the totalitarian nature of the regime.

## RESPECT FOR HUMAN RIGHTS

## Section 1 Respect for the Integrity of the Person, Including Freedom from:

### a. Political Killing

Reports continued in 1984 of villagers, particularly Hmong tribespeople, being killed by Government and/or Vietnamese forces using toxic weapons, although such reports were fewer than in 1982 or 1983. These reports, unlike those made in previous years, have not been verified independently. There are reports that Lao Government and Vietnamese patrols have fatally shot persons fleeing from Laos and those entering the country illegally--usually smugglers or suspected members of the anti-government resistance.

An unknown number of people are killed annually in combined Lao/Vietnamese military operations against resistance forces. Many of the insurgents appear to be former Royal Lao Army troops. Both sides are reported to use brutal tactics, with the anti-government forces attempting assassination and ambush of Lao, Vietnamese, and other Communist military and civilian personnel. There are recurrent reports of lethal attacks in isolated areas on vehicles bearing government officials and on buses. These are attributed to resistance elements but have also involved ordinary robbery. Resistance groups have also reportedly killed a few aid experts from other Communist and non-Communist countries. Official policy calls for the execution of resistance leaders, but no such executions were reported in 1984.

### b. Disappearance

Although there were numerous cases of secret arrest and removal of persons to "re-education" camps in the first years of the present regime, disappearance has been reported only rarely in the last several years and not at all in 1984.

### c. Torture, Cruel, Inhuman, or Degrading Treatment or Punishment

There have been no reports of torture for the past five years. A relatively small number of "re-education" prisoners continues to be held in harsh conditions. Former prisoners have reported that punishment for misbehavior could include brutal public beatings, shackling, deprivation of food, and sometimes, for those who tried to escape, execution. Some inmates died from malnutrition. Lao Government officials have publicly denied reports of mistreatment of persons in the "re-education camps."

Laos also has ordinary prisons and prison work camps where those awaiting trial or convicted of crimes are held with persons accused of undefined political offenses. Conditions are said to be spartan.

### d. Arbitrary Arrest, Detention, or Exile

The Lao Government continues to maintain a number of "re-education camps" in which persons associated with the previous Government are imprisoned. Figures on those incarcerated are unavailable. In 1975 and 1976 thousands of Lao citizens (as well as a few foreign residents) were arrested and sent, without public hearing or trial, to remote camps for "re-education."

According to information obtained from refugees, in 1980 there were at least 20 "re-education camps," with a total population of more than 15,000 inmates (including family members). The camps are concentrated in the Viengsai area and Houa Phan Province near the Vietnamese border, in the Plain of Jars, near Ban Ban in Xieng Khouang Province, and in Saravane and Attopeu Provinces in south Laos. Information collected on 4,182 inmates indicated that 3,134 were former soldiers (of whom 982 held the rank of major and above), 564 were former policemen, and 350 were former government officials.

Since 1979, conditions in most of the "re-education camps" have improved, and a number of camps have been closed. Most detainees are now living in a kind of internal exile under conditions that--except for the severe restriction on their freedom of movement--generally are no worse than those of poor Lao living in the countryside. Some are on probation or cannot arrange necessary travel documents. Others who have lost property and families are reported to have chosen to remain in areas near the camps to begin new lives. A relatively small number of "re-education" prisoners arrested in 1975-76 continues to suffer harsh conditions in closely guarded camps. These include those who continue to defy the Lao Government and its policies, as well as a few of the leading anti-Communist leaders of the pre-Communist governments. In 1984 the Government permitted at least 60 "re-education camp" prisoners to return to Vientiane in releases concentrated in the first few months of the year.

In 1984, government officials claimed, as they had in 1983, that nearly all soldiers and officials sent to "re-education camps" in 1975-76 had been "released" and that "only a few" people remained under detention. Some government officials contend that all "re-education camps" have been closed. It has not been possible to verify the accuracy of such statements, but it is believed that 1,000 to 3,000 detainees remain in "re-education" camps. Those accused of hostility to the regime or of what the Government calls "socially undesirable habits," such as prostitution, drug abuse, idleness, and "wrong thought" are sent to "rehabilitation" centers, usually without trial. Most of these persons have been allowed to return to their homes after periods ranging from a few months to several years of hard labor, political indoctrination, and admission of guilt. In 1984, there were reports that some unemployed and idle youths in Vientiane and other urban areas were rounded up and sent against their will to the countryside to work on public works projects, in some cases to join "patriotic youth" groups also working on such projects.

### e. Denial of Fair Public Trial

No code of law exists in Laos and there is no guaranteed due process. The Government is still revising the pre-1975 law code and rehabilitating the court system. It is expected to publish a constitution by the end of 1985. In the meantime, it has promulgated interim rules and regulations for the arrest and trial of those accused of specific crimes, including armed resistance to the Government. These regulations were disseminated to local authorities in October 1978, primarily to correct the haphazard way in which they were carrying out their duties. Although the regulations allow the accused to make a statement presenting his side of the case, they provide no real opportunity for the accused to defend himself and do not permit bail or use of an attorney. Rather, the Government has issued instructions on how to investigate, prosecute, and punish wrongdoers. These instructions are applied capriciously and inconsistently. People can be arrested on the accusation of others and detained while the accusations are investigated. Those arrested are not always informed of the charges against them, and investigations often take a long time unless family members and friends take a strong interest in the cases. Influential government officials and their families can easily influence the judgments reached. There is some provision for appeal, except that important political cases tried by "people's courts" are without appeal. Death sentences must be approved by the Council of Ministers. Lao regulations call for judgment to be given in public. This is, in effect, a public announcement of the sentence not a public trial.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Search and seizure are authorized by the security bureaus themselves rather than by an impartial judicial authority, and government regulations, which are not always followed, provide little protection for the individuals affected. International and domestic mail is selectively opened on a routine basis. Mail from China and the non-Communist countries is particularly suspect. Telephone calls are frequently monitored. Privately owned land may not be sold but can be inherited. Houses, appliances, and other private property can be sold only with difficulty in most cases, since the possession of large amounts of cash in this poor country draws immediate government suspicion. Inheritances cannot be passed on to relatives who have left the country as refugees and acquired another nationality. Only government officials and others who the Government determines have a professional need are allowed to possess non-Communist foreign newpapers, magazines, and other publications. The Government, however, makes no attempt to stop Lao from watching Thai television or listening to foreign radio stations like the Voice of America. The state security apparatus monitors family life extensively through a system of neighborhood wardens and informers.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The Lao press is owned by the Government and Party and used to disseminate official positions. Written or spoken opposition to the Government is not permitted. Persons who have engaged in such activity have been jailed. Most Lao are intimidated into avoiding discussion or association with foreigners. Academic freedom does not exist.

### b. Freedom of Peaceful Assembly and Association

The Government controls all meetings and, except for religious and athletic events, organizes them. Individuals do not have the right to join together to promote causes not sponsored by the regime or to protest government policies. All associations--such as those for youth, women, workers, and a "peace organization"--are government-controlled and authorized "mass organizations." These are organized to exercise government control and disseminate government policy. All professional groups are organized by the Party, and their leadership is ordinarily drawn from party ranks. Trade unions are organized as "mass organizations" of the Party without the right to engage in collective bargaining. They have no real influence in determining working conditions. Lao associations are permitted to maintain relations with like-minded organizations in other countries, particularly those in Communist countries. Ordinarily Lao citizens are permitted association or contact with foreigners only in rare and unusual circumstances, usually involving their work.

### c. Freedom of Religion

Nearly all Lao are Buddhists or, in the case of some hill tribes, animist. After 1975, the Government took over some Buddhist and Christian places of worship for use as political indoctrination centers or warehouses. This practice appears to have ceased, however, and construction of Buddhist temples can be observed. In general, Buddhist temples have become more active in the past few years, and the number of monks has increased. In official statements, the Government has recognized the right of the people to religious belief as well as the contributions religion can make to the development of the country. Many Lao, however, believe that the Government has begun a long-term effort to subvert the role of religion--in part because it considers the maintenance of temples and the activities of monks non-productive. This effort includes carefully controlling the education of young monks and compelling the Buddhist clergy to propagate some elements of Marxist-Leninist doctrine. Monks, however, are the only remaining social group still entitled to special honorific terms of address, and even high party and government officials continue to use them. Religious festivals are permitted to take place without hindrance. Young people regularly enter into religious orders for short periods. Links may be maintained with coreligionists and religious associations only in countries approved by the Government, usually other Communist countries. Traditional links to Thai Buddhists are no longer permitted. In theory, missionaries are not banned from entering Laos to proselytize, but in most cases they have been denied permission. Many top party officials still participate in religious ceremonies, but the military are forbidden even to have Buddhist funerals.

Roman Catholics and Protestants are permitted to worship without harassment, but the activities of their churches are closely observed. Since 1975, they have not been permitted to operate schools, seminaries, or associations. Last year, a new Roman Catholic bishop coadjutor of Vientiane was consecrated and several Protestants were released from "re-education," but in 1984 a few church leaders remained under detention, allegedly for anti-government activity. Catholic church officials visited Laos to meet with local Catholic church leaders in 1984. The Bishops of Laos, however, did not go to nearby Bangkok to meet the Pope during the latter's visit there in May. The Government tries to persuade hill tribe minority groups to abandon their "old-fashioned" animist beliefs.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Lao citizens must obtain permission from the authorities for all internal travel of any distance and in all cases when crossing provincial boundaries. A curfew exists in the capital and other major cities. Its rules change from time to time, as does its enforcement. Government officials have cited threats of "disorders" created by "reactionary" elements as the reason for the restrictions.

Foreign travel is permitted for officials, students in government-approved programs, and some others who have access to foreign exchange. Lao are rarely permitted to study or train in non-Communist countries even at their own expense. Exit visas are required and are difficult to obtain, but in 1983 and 1984 there were noticeable increases in the number of Lao permitted to travel abroad. Border crossing permits are available for those with business in Thailand. Although the Lao Government has said that those wishing to emigrate will be allowed to so do, as a practical matter legal emigration is rarely authorized for ethnic Lao and, when it is, reportedly requires substantial bribes. Since 1975, about 293,700 of the Lao who have fled Laos have registered as refugees in Thailand. An unknown number of other Lao who have fled Laos have simply settled in with kindred ethnic groups.

Some of those fleeing are fired upon and killed by Lao, Vietnamese, or Thai border patrols as they attempt to cross the Mekong River. Many Lao caught seeking to leave illegally have been imprisoned, although in some cases they have only been sent to short indoctrination seminars and then released.

The Lao and Thai Governments have agreed to take back, on a case-by-case basis, those of their respective citizens who have illegally crossed into the other country and wish to return home. From May 1980, when agreement was reached with Thailand and the United Nations High Commissioner for Refugees (UNHCR) on a voluntary repatriation program, to May 1984, 2,544 Lao refugees voluntarily returned to Laos under the auspices of the UNHCR. The Lao Government suspended the program from June until December following the onset of a border dispute between Laos and Thailand. Those accepted for return receive several days of political indoctrination and are then released to return to their homes, where they are placed under the control of village authorities. The UNHCR provides basic necessities and monitors treatment and living conditions thereafter. Perhaps as many as 5,000 to 10,000 refugees have repatriated themselves without official involvement. There appears to be no pattern of official harassment or maltreatment of these voluntary returnees.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Laos is ruled by a small elite of the Lao People's Revolutionary Party, the sole party. There is neither freedom to participate in politics outside the Party nor popular choice of policies or officials. After the Communists seized power in May in 1975 but before the establishment of the present regime in December of that year, local elections were held in which voters chose from a list of candidates selected by the party. Representatives to the Lao People's Supreme Council were subsequently reported to have been chosen by those local officials, although this process was not made public. There have been no national elections. A few "by-elections" have been organized to replace representatives who have died or been transferred.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

Laos has refused to cooperate with the U.N. Secretary General's investigation of the use of chemical/toxin weapons in Laos. Hmong and other refugees continue to report attacks against them with toxic agents, by Lao and/or Vietnamese military forces with Soviet assistance. The Lao Government has denied the use of such weapons. International efforts to gather information, to express concern over these reports, and to seek an impartial international investigation continue. A team of United Nations investigators stated in December 1982 that "it could not disregard the circumstantial evidence suggestive of the possible use of some sort of toxic chemical substance in some instances."

Laos does not cooperate with private international organizations interested in human rights. Laos occasionally permits visit by officials of international human rights organizations if the purpose of the visit is not specifically related to allegations of human rights violations. In the past, the Lao Government has permitted UNHCR to investigate to a limited degree the status of Lao refugees voluntarily repatriated from Thailand. A senior UNHCR official made a brief visit to Vientiane in 1984. Amnesty International in its 1984 Report stated that its main concerns remain the continued detention in "re-education camps" of large numbers of people detained without trial since 1975 for their political activities or positions under the former government, and the lack of legal safeguards for people detained on political grounds. The Freedom House 1983-84 report lists Laos as "not free."

# LAOS

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

In 1984 the economic and social situation showed few signs of significant improvement. Government pressure to "socialize" the economy along Marxist-Leninist lines was strong. Increased pressure was placed on farmers to join cooperatives, and the Government intensified its efforts to reduce and control the small private sector. The economy was tied more closely to that of Vietnam by, inter alia, decreasing foreign trade links through Thailand and upgrading such links through Vietnam. The value of the kip dropped about 60 percent between January and October. Unfavorable weather conditions damaged the 1983-84 rice crops, which were insufficient to meet domestic consumption, and Laos received emergency food donations from several non-Communist countries, including the United States.

Approximately half of the population in Laos is ethnic Lao, also called "lowland Lao"; 20 percent are tribal Thai; 15 percent are Phoutheung (or Kha); and other mountain tribes constitute another 15 percent (Hmong, Yao and others). The Lao Government is attempting to integrate these groups and overcome traditional antagonisms between lowland Lao and minority groups.

The Hmong are split along clan lines. Many were strongly anti-Communist, but others sided with the Communist Pathet Lao and the Vietnamese. The Government is repressive toward all groups that fought against it, especially those who continue to resist its authority by force. The Hmong have a strong military tradition and have attempted to defend some of their tribal areas. Vietnamese and Lao armed forces have conducted military operations to dislodge them from their strongholds. There has also been a Government campaign to suppress resistance from lowland Lao groups, mainly in southern Laos, around Vientiane, and in northwest Laos.

The Government wants to resettle some ethnic minorities who now inhabit mountainous areas in the lowlands, where they would be under government control and engage in settled agricultural production. The Government has reportedly abandoned the use of force in favor of a voluntary program based on material inducements.

Deterioriation in Sino-Lao relations since 1979 has resulted in continuing increased Lao Government suspicion and surveillance of local Chinese. The Government so far has not persecuted or expelled Chinese although it allows them to emigrate rather freely; in fact, the majority of Chinese in Laos in 1975 have since left on their own, largely for economic reasons. Those who remain have maintained the Chinese schools in Vientiane and Savannkhet and Chinese associations in several provincial capitals.

About 85 percent of the population of Laos is engaged in agriculture. Per capita gross national product (GNP) is variously estimated at from about $100 to $220. The country's economic problems are complicated by inadequate internal transport and isolation from the sea. The avowed aim of the Government is economic self-sufficiency and improved conditions for the people through a socialist transformation of the economy, including collectivization of agriculture. Earlier coercion of farmers to join agricultural cooperatives caused some lowland farmers to leave the country, and the formation of new cooperatives has since been slowed. The Government has declared that farmers will not be forced to join collectives but continues to apply strong pressure on them to join, and economic incentives are given to those who do so. The Government has nationalized most industries and has at times tried to impose strict controls on private enterprise. Limited private trade continues, however, because it still constitutes the principal and most efficient way to distribute goods. In 1984 there were renewed efforts to restrict such trade by the imposition of increased taxes on private businesses, customs duties on importers, and attempts to reduce smuggling of consumer goods from Thailand. Laos continues to experience serious foreign exchange problems and has difficulty in paying its import bills for many necessities, including fuel. Natural and man-made problems continue to hold timber and coffee exports far below their potential. In addition, the Government has used these commodities and minerals to pay for aid from Soviet bloc countries, rather than selling them for hard currency. Partial restrictions on trade through Thailand may have played a role in these developments.

Health conditions are poor but improved marginally in 1984. In 1984, the World Bank estimated infant mortality at 118.8 per 1,000 live births, which represents a significant reduction from 1976 when the government figures placed the rate at 204 per 1,000 live births. Life expectancy at birth was approximately 45.25 years in 1984. The estimated overall population growth rate is 2.2 percent. According to government statistics, in 1982 there were only 226 physicians and 1,184 other medical personnel in the country. Major causes of death in Laos are gastrointestinal diseases from unsafe drinking water, malaria, respiratory infections, and malnutrition. The Government is attempting to improve public health by training more personnel in basic health care, improving water supplies, modernizing 13 provincial hospitals, constructing clinics in all districts, inoculating against cholera and other diseases, and promoting adult education on preventive hygiene.

Lao authorities are also continuing a campaign to reduce illiteracy. The Government has claimed that illiteracy has been eliminated in some provinces. The official claim of 60 percent adult literacy (98.75 percent between ages 15 and 45) seems exaggerated. The World Bank estimated the literacy rate at only 43 percent in 1980. The Government carries out an intensive program of adult education aimed at indoctrinating adults along "socialist lines." Approximately 93 percent of children aged 5-14 are said to attend school regularly. However, teacher training has usually been rudimentary. According to some accounts, in provincial and urban areas the time teachers must devote to supplementing their meager salaries causes them to reduce classroom hours substantially. Emphasis in higher education is placed on training technicians and engineers to work on development projects. Thousands of Lao students have been sent abroad for training in the U.S.S.R., Vietnam, and Eastern Europe. The pool of trained manpower in Laos is gradually increasing as students begin to return from abroad, but some do not find jobs in their areas of training.

The role of women in Lao society has traditionally been subservient to that of men, but discrimination is not highly pronounced. The Government-controlled Lao Women's Federation has as one of its stated goals achievement of rights for woman "equal" to those of men. Lao women are currently being encouraged to take an increasing part in economic and state-controlled political activity.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: LAOS

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 0.0 | 0.0 | 1.5 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 1.5 |
| A.AID ................. | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 0.0 | 0.0 | 1.5 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 1.5 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.0 | 0.0 | 1.5 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 1.5 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 0.0 | 0.0 | 1.5 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 1.5 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 23.4 | 12.1 | 14.3 | 152.7 |
| IBRD | 0.0 | 0.0 | 0.0 | 0.0 |
| IFC | 0.0 | 0.0 | 0.0 | 0.0 |
| IDA | 15.0 | 6.2 | 0.0 | 53.2 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 14.3 | 51.1 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 4.1 | 5.9 | 0.0 | 38.2 |
| OTHER-UN | 4.3 | 0.0 | 0.0 | 10.2 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## MALAYSIA

Malaysia is a multiethnic society. Malays dominate political affairs. The Malaysian parliamentary system of government is based on free elections, contested by a number of parties representing a broad range of political opinion. Although the ruling National Front (composed of ethnically based parties representing the majority Malay, the Chinese, and the Indian communities) has won a two-thirds or better majority in the federal Parliament in every election since Malaysia achieved independence, opposition parties are active and vocal participants in the political system and have occasionally held power at the state level. A strong free enterprise-oriented economy and abundant natural resources have helped Malaysia become one of the most prosperous of the developing countries.

Malaysia's internal security has been seriously threatened twice. A major Communist insurrection began in 1948 and peaked in the early fifties; it still smolders in a few border areas. In 1969, inter-communal rioting followed national elections: several hundred persons were reported to have died. The remnants of the Communist insurgency and the possibility of renewed communal conflict are cited by the Malaysian Government as justification for laws that allow detention without trial of persons suspected of subversive activity or of other activities that threaten general civil order.

Prime Minister Mahathir's administration has been relatively restrained in its use of Malaysia's internal security legislation in comparison to previous regimes. The number of political detainees has been reportedly reduced by more than two-thirds, to about 168, since Mahathir took office in 1981. The Malaysian Government has insisted, however, that it will maintain the framework of security legislation for the foreseeable future and has warned that Malaysia's laws restricting individual rights will be enforced when the Government believes it necessary to do so.

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

There were no reports during 1984 of political killings by the Government or by any other organizations.

#### b. Disappearance

During 1984 there was no evidence of abduction, secret arrests, or clandestine detention attributable to the Government or to non-governmental or opposition forces.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There is no evidence of torture or cruel, inhuman, and degrading treatment or punishment.

#### d. Arbitrary Arrest, Detention, or Exile

The Malaysian Constitution provides for the proclamation of a state of emergency during which individual rights may be limited by law. A state of emergency was proclaimed in

May 1969 during communal rioting, and has not been rescinded. Legislation granting extraordinary powers to the Government permits arrest and imprisonment without benefit of trial or judicial review. The Home Minister said in September 1984 that the number of detainees had dropped from 540 when Prime Minister Mahathir took power in 1981 to 168; in 1984 the Government is known to have ordered the detention of 52 Malaysians; of whom 11 remained in detention as of December 1984. Among those released this year was the Prime Minister's former political secretary, detained in 1981 on suspicion of cooperating with Soviet Intelligence. Nearly all of the unreleased detainees are alleged members or supporters of the Communist Party of Malaya. However, government leaders, who have repeatedly warned the country about Muslim "religious extremists," ordered the detention of three members of the opposition Parti Islam Sa-Malaysia (PAS) in June 1984. In September two of these three detainees were released, but another PAS activist was detained.

Malaysia's Internal Security Act (ISA) permits arrest and detention without trial of persons suspected of subversive activity or other actions contributing to domestic instability. It provides for initial preventive detention for up to two years, extendable indefinitely. A person detained under the emergency laws has no recourse to the courts, but must be told the reason for his detention and given an opportunity to challenge the detention order as soon as possible after arrest. The Government reserves the right to refuse requests for information on specific individuals detained under security legislation.

### e. Denial of Fair Public Trial

The Malaysian judiciary is generally regarded by the public and the legal community as committed to the rule of law. Although the courts have rarely challenged legislation, they have not hesitated to rule against government prosecutors in specific cases, both civil and criminal.

With the exception of security cases not brought to trial, defendants have the right to counsel, and lawyers are able to represent clients without penalty to themselves. Most civil and criminal cases are tried under the regular judicial system, derived from British jurisprudence, and thus public trial and a fair hearing occur in all but the cases which are security-related. In all other cases, the courts apply criminal law and procedures, including strict rules of evidence. Charges must be levied against a defendant within 24 hours of arrest, and police must decide within 14 days whether to bring the case to court. Defendants may appeal lower court decisions to the federal courts and, in criminal cases, may also appeal for clemency to the King or to local state rulers, as appropriate.

Persons detained for security reasons and for certain classes of crimes, however, may be held and given hearing under special procedures outside the ordinary court system. These procedures allow suspects to be detained without charge for a period which may, in practice, be extended indefinitely. If brought to trial under the internal security regulations, the accused does not receive a statement of the evidence, trial is by a single judge without a jury, and witnesses may be examined in the absence of the accused. Admissible evidence includes hearsay and secondary evidence, testimony of children and spouses, self-incriminating statements to police, and information from seized records or communications. If the accused is found guilty, the judge must impose the maximum penalty. For certain internal security crimes. including the possession of firearms or ammunition, the mandatory sentence is death. In 1984 five persons were executed in Malaysia for illegal possession of firearms.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Under the ISA the police may enter and search the homes of individuals suspected of threatening national security.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Freedom of speech and the press are circumscribed in Malaysia. Following the 1969 communal disturbances and the subsequent two year suspension of parliamentary democracy, laws were enacted to reduce the risk of communal violence by forbidding public exacerbation of racial tensions. Since then, under the Constitution (Amendment) Act of 1971, certain "sensitive" issues touching on ethnic origins or on privileges the Government accords to ethnic Malays may not be questioned in public or in Parliament.

All radio stations and two of the three television channels are government-controlled. The third channel, which began broadcasting in 1984, and most of the press are owned by groups closely connected with the Government. Government control over publishing licenses has inclined the press towards considerable self-censorship. In March, moreover, Parliament passed the Printing and Publications Act of 1984, which further strengthens government control over both local and imported foreign publications.

Despite old and new government restrictions on the freedom of speech and the press, the activities and statements of opposition political figures and domestic political developments are reported in some detail. Critical reporting on controversial issues and public policies appears to have increased. On the other hand, the ruling party receives much more extensive coverage of its activities, and reports on the activities of opposition parties have occasionally been misleading. The distribution of a respected regional publication has been delayed for up to a month for most of 1984; this is generally believed to be retaliation for its incisive coverage of controversy surrounding recent amendments to the Constitution that limited the privileges of the monarchy to delay legislation.

Student associations must be approved by the Ministry of Education, and are prohibited from engaging in political activity. Professors are forbidden to make public comments on controversial issues. However, government interpretation of these strictures appears to be gradually easing. In February several government leaders threatened the withdrawal of scholarships from those Malaysian students abroad who allegedly sought the "overthrow of the government by force," but later stated that students are encouraged "to criticize, no matter how much it may sting."

## MALAYSIA

### b. Freedom of Peaceful Assembly and Association

The Malaysian Constitution guarantees the rights of freedom of peaceful assembly and association. It also grants the Government extensive powers to limit those rights by legislation in the interest of security and public order. After the 1969 communal riots, the Government passed laws greatly limiting the right to public assembly by large groups. In recent years, these laws have often been ignored. However, in August 1984, responding to a wave of political rallies by the opposition PAS party, the Government banned "political meetings" in four Malaysian states. Government statements at the time asserted that the ban was motivated primarily by a PAS disposition to mix religion and politics in its denunciations of the Government and its dominant Malay party, UMNO. According to government leaders, the PAS campaign put national security at risk by sowing division within the Malay community. The ban was lifted in October, 1984.

The Industrial Relations Act of 1967 governs the rights of workers to engage in trade union activity. More specifically, it prohibits any person from interfering with, restraining, or coercing a worker in the exercise of the right to form or participate in the lawful activities of a trade union. In 1980, this was amended to give the Government more power to deal with disruptive strikes. These amendments have been criticized by Malaysian unions. In 1983 the International Labor Organization urged the Malaysian Government to amend several sections of the Industrial Relations Act to bring it into conformity with the Convention on the Right to Organize and Collective Bargaining.

The Government's attitude towards unions ranges from questioning their necessity to grudging acknowledgement of their contribution to Malaysia's economic development. In 1983-1984, the Government actively encouraged the formation of "house unions," and advocated a Malaysian work ethic based on a Japanese model of worker-employer cooperation.

There are approximately 380 unions in Malaysia, representing approximately 600,000 workers, or about 15 percent of the salaried work force. About 40 percent of these unions are "house" unions. These represent about 25 percent of the total membership.

### c. Freedom of Religion

The official religion of Malaysia is Islam and Malays are legally bound by Islamic religious laws which are the province of state, rather than federal, authorities. Nonetheless, the federal Constitution guarantees freedom of religion for all. Religious minorities, which include large Hindu, Buddhist, Sikh and Christian communities, are free to practice their faith without interference by the Government. Conversion is permitted, but proselytization of Muslims is very strongly discouraged. Although an Islamic religious establishment is supported by government funds and it is government policy to infuse "Islamic values" into the administration of Malaysia, the Government has refused to accede to demands for the imposition of Islamic religious law in cases involving non-Muslims. Non-Muslims are excused from public school instruction in the Muslim religion.

There is an unwritten government policy of barring "Israeli influences." Although this policy, a result of strong anti-Zionist feeling among the majority Muslim population, is politically oriented, it occasionally has religious overtones. In August 1984, the New York Philharmonic Orchestra canceled its Malaysian tour after objections were raised to the inclusion in the program of a piece by Ernest Bloch entitled "Schelomo" and subtitled " A Hebrew Rhapsody." This incident, viewed by many responsible Malaysians as an aberration, apparently arose because of an overzealous interpretation of this unwritten policy. The Malaysian Government does attempt to ban works which are judged to be "pro-Israel" or "pro-Zionist," but does not have a systematic policy of discriminating against works of Jewish origin.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Persons wishing to travel abroad must obtain passports, which have been denied in a few cases on what the Government terms security grounds. The Government also attempts to control closely travel to China by ethnic Chinese citizens below the age of 65. According to the Malaysian Director General of Immigration, 85 Malaysians have had their passports withdrawn for traveling to China without permission.

Malaysia has provided first asylum to 200,000 Vietnamese refugees since 1975. It has cooperated fully with international organizations and resettlement countries in facilitating the eventual movement of the refugees to those countries. Malaysia itself has resettled over 5,000 Khmer Muslim refugees, but has not accepted non-Muslim refugees for permanent settlement.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Malaysia's parliamentary system is based on the British model. The Prime Minister and Cabinet are responsible to Parliament. Elections must be held at least once every five years. The opposition concedes that elections to date have been free and fair; votes are cast secretly and recorded accurately.

Through the United Malays National Organization (UMNO), Malays dominate the ruling National Front coalition of ethnic-based parties which, in turn, has controlled Parliament since independence. Malays fill most important cabinet posts. The National Front parties occasionally benefit from gerrymandered electoral districts. In April 1982, the National Front won 132 of the 154 seats in the House of Representatives. Although the opposition regularly criticizes the Government in Parliament, it rarely succeeds in influencing legislation.

## Section 4 Government Attitude Regarding International and Non-Governmental Investigation of Alleged Violations of Human Rights

The Malaysian Government is not a member of any international or regional human rights body. The Government was not the subject of resolutions, investigations, or other action by human rights organizations in 1984. In February 1984 the United Nations Human Rights Commission discontinued its investigation of alleged abuse of human rights in Malaysia, and expressed its appreciation for the Malaysian Government's cooperation in this matter. Although Amnesty International has noted that most detainees held under the ISA have been released in recent years, its 1984 Report again criticizes the Malaysian Government for detention without trial under this act and it has called for the unconditional release of specific "long-term" detainees. The Government has taken the position that Malaysia is the best and sole judge of its security needs and that the act will remain in effect. The Freedom House 1984-85 report lists Malaysia as "partly free."

There are no government or private organizations in Malaysia which deal specifically with protection of individual liberties. The Bar Association, a Muslim youth movement, and a social reform group all devote some time to the subject, usually in reaction to government actions that they believe endanger civil liberties. The Bar Association also investigates some cases of possible violation of human rights, but more on an ad hoc basis than through set procedures.

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The population of Malaysia in 1984 was reported to be approximately 15.3 million, and the population growth rate is 2.2 percent. Government policy encourages a high birth rate. In 1984, life expectancy at birth is 67 years and infant mortality runs at about 25 deaths per 1,000 live births. In 1976, sixty-two percent of the population had access to safe drinking water, and the caloric supply per person in 1977 met 116 percent of nutritional requirements. Education is free, compulsory for nine years, and available to all. The Government provides scholarships at special boarding schools and at universities abroad for gifted students, particularly Malays. The adjusted primary school enrollment is 96.5 percent. The adult literacy rate in 1977 was estimated at 59 percent, with the rate for the entire population probably around 75 percent.

Per capita GNP in Malaysia was estimated at $1,862 in 1982. About 38 percent of the rural population and 13 percent of the urban population in 1980 was considered to be below the World Bank's poverty line.

The Government practices "affirmative action" on an extensive scale in favor of the politically dominant but still economically weaker ethnic Malay majority. Many non-Malays consider this policy discriminatory. As a result of these government programs and policies, non-Malay opportunities for education, government employment, and ownership of new homesteads are limited. Institutions of higher learning are required to use the national language, Malay, as the medium of instruction for non-technical courses.

There are no restrictions on the political rights of Malaysian women, and government policy supports their full and equal participation in the Government, in education, and in the work force. In accordance with a national policy of rapid population growth, women are guranteed ample maternity leave and reemployment rights. Eight of the 154 members of the lower house of Parliament are women. The position of women in Malaysian society is, however, conditioned by the cutural and religious traditions of the country's major ethnic groups. With a general resurgence of Islamic piety among Malays, Malay women have in recent years tended toward close conformity with Koranic stipulations on women's roles.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: MALAYSIA

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 1.3 | 0.8 | 0.1 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 1.3 | 0.8 | 0.1 |
| A.AID .................. | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.0 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 1.3 | 0.8 | 0.1 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 1.3 | 0.8 | 0.1 |
| PEACE CORPS...... | 1.3 | 0.8 | 0.1 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 10.5 | 4.7 | 10.9 |
| LOANS.............. | 10.0 | 4.0 | 10.0 |
| GRANTS............. | 0.5 | 0.7 | 0.9 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 10.0 | 4.0 | 10.0 |
| C.INTL MIL.ED.TRNG.... | 0.5 | 0.7 | 0.9 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 11.8 | 5.5 | 11.0 |
| LOANS.............. | 10.0 | 4.0 | 10.0 |
| GRANTS............. | 1.8 | 1.5 | 1.0 |
| OTHER US LOANS.......... | 4.1 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 4.1 | 0.0 | 0.0 |
| ALL OTHER............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 237.7 | 217.6 | 199.3 | 2626.0 |
| IBRD | 152.3 | 143.1 | 70.0 | 1658.0 |
| IFC | 0.0 | 11.5 | 1.0 | 21.2 |
| IDA | 0.0 | 0.0 | 0.0 | 0.0 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 81.5 | 61.7 | 128.3 | 890.5 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 2.8 | 1.3 | 0.0 | 43.1 |
| OTHER-UN | 1.1 | 0.0 | 0.0 | 13.2 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## MONGOLIA*

Mongolia, or the Mongolian People's Republic, is a rigidly controlled Communist state. Only the Mongolian Communist Party, the Mongolian People's Revolutionary Party (MPRP), is permitted to function. The leadership of the country is vested in a 10-person Politburo of the MPRP Central Committee headed by 58 year old Jambyn Batmonh. Nominally, the People's Great Hural, or national assembly, enacts the basic laws of the country. It meets for three days once each year. Between sessions, the Council of Ministers (cabinet), appointed by the Hural, issues current legislation. The Great Hural appointed Dumaagiyn Sodnom Chairman of the Council of Ministers on December 12, 1984.

The Soviet Union dominates Mongolia politically and economically. The Mongolian state is modeled on the Soviet system, and MPRP leaders travel to Moscow for consultations often. The Soviets guarantee their influence by stationing approximately five combat divisions on Mongolian soil. As in the political arena, Mongolian economic life is shaped by the Soviet Bloc: 95 percent of Mongolia's foreign trade is conducted with the Soviet Union and Eastern Europe. Soviet involvement in the Mongolian economy is largely exploitative, particularly in the area of mining and mineral exporting. The Mongolian economy remains heavily agricultural with an emphasis on live animals and animal products.

Little information is available concerning the internal treatment of Mongolian citizens. There are no known domestic Mongolian opposition groups. Much of what information is available comes from the Mongolian regime. The few resident diplomats and occasional visitors to Mongolia are mainly limited to the capital city of Ulaanbaatar. Travel to other parts of the country is restricted.

It is known, however, that Mongolian life and society are highly regimented. Few Mongolians are authorized to travel outside the Soviet Bloc countries. No political opposition to the ruling Communist Party is permitted. Freedoms guaranteed to the individual under the Mongolian Constitution, including speech, demonstration, and assembly, can be exercised only to "strengthen the socialist state system." In effect, individual civil and political liberties do not exist and there is nothing to indicate that this situation is likely to change in the foreseeable future.

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

There is no information available concerning political killing by the government.

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*The United States has never recognized nor has it had diplomatic relations with the Mongolian People's Republic, and thus does not have direct access to human rights information there. It is difficult, therefore, to comment authoritatively on specific conditions in this country.

## MONGOLIA

### b. Disappearance

Though there is no reliable information available concerning disappearance; high governmental officials occasionally disappear from public view and no information is released concerning their fate.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

We have no information available concerning this subject.

### d. Arbitrary Arrest, Detention, or Exile

There is no information available on this question.

### e. Denial of Fair Public Trial

Current civil and criminal codes stipulate the right of the accused to judicial process, a legal defense, and public trial "except as stipulated by law." Closed proceedings are permitted in the case of crimes against the state. As the civil code places a heavy emphasis on this category of crimes, and since the MPRP controls all legal systems, those accused of such crimes are unlikely to receive a fair trial.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There is no information available concerning the application of these rights by Mongolian authorities. The right to privacy of person, home, and correspondence is guaranteed in the Constitution. Travel, as well as job and residence changes, are decided in accordance with economic needs as determined by the state. It is highly doubtful that this right is honored when it conflicts with the interests of the state.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The Mongolian Constitution provides for freedom of speech, but specifies that the exercise of individual rights must be to "strengthen the socialist state system." Actions deemed by the party to fall outside this parameter would likely result in arrest and detention. Criticism of the Government is not tolerated. Discipline is exercised through various government-controlled organizations, notably the People's Control Organization, extending down to the neighborhood committee level. The press is state-owned and strictly controlled by the Government. It serves primarily as a propaganda tool. Non-Communist foreign media representatives are generally not allowed into the country. Academic and artistic life is also tightly controlled in accordance with government policy.

### b. Freedom of Peaceful Assembly and Association

Freedom of demonstration and assembly are guaranteed by the Constitution, but in practice only government-authorized organizations are permitted to assemble and the only demonstrations allowed are carefully orchestrated by government authorities. A wide variety of organizations, including professional and trade unions, exist, but all are controlled and directed by the Government to promote its policies. Mongolia is a member of the International Labor Organization (ILO).

## MONGOLIA

### c. Freedom of Religion

Freedom of religion exists in theory, but religious activity is strictly controlled through an Office of Religious Affairs attached to the Council of Ministers. Religion no longer has a significant part in the lives of most Mongolians. The Buddhist church, a central force in Mongolian life prior to the establishment of the Communist Government, has been reduced to a few showcase monasteries and a handful of monks. They serve primarily as propagandists and as showpieces for tourists. Religious figures do not hold high positions in government.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Until recent years, few Mongolians traveled abroad. Foreign travel usually has been permitted only for official purposes, but government-sponsored education abroad has become increasingly common. As many as 40,000 Mongolian youth go to the Soviet Union yearly for short training programs. Yet, almost all travel abroad remains restricted to Soviet Bloc countries. There is no known emigration from Mongolia. No Mongolians are known to have requested repatriation to Mongolia.

All Mongolians over 16 years of age must have internal passports and must obtain permission from the Security Bureau in order to travel within the country. Attempts to change jobs or residences must be approved by both the Security Bureau and the People's Control Organization.

Although the 1978 Constitution guarantees the right "to reside in the territory of the MPR" to foreign citizens, Mongolian authorities began a systematic expulsion of ethnic Chinese, most of whom reside in and around Ulaanbaatar, in May 1983. Many of the six to seven thousand ethnic Chinese in Mongolia were evidently offered a choice between resettlement in the barren northern part of the country or expulsion to China. The Mongolian authorities claimed the expellees had no formal occupation and/or did not abide by Mongolian law, despite the fact many of them had been living and working in Mongolia since the 1950's.

By late September 1983, over two thousand Chinese had returned by train to the People's Republic of China. Many of the expellees were reported to have been stripped of their personal property by the Mongolian customs authorities before being allowed to cross the Chinese border.

The expulsions continued in 1984, though apparently at a reduced rate. Some estimates place the number of Chinese who left Mongolia in 1984 at approximately 1,000. If these estimates are correct, then nearly half of the Chinese population in Mongolia has been forced to leave the country by the authorities. Although the Mongolian People's Republic has reportedly moderated its oppressive expulsion practice somewhat, and no longer confiscates the possessions of departing Chinese, the authorities still appear determined to expel or widely disperse the entire Chinese community.

## MONGOLIA

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Mongolian People's Revolutionary Party does not tolerate political groups outside its control. The Party is established on the Soviet model with a narrow pyramid of power topped by Party General Secretary Batmonh. In August 1984, Batmonh replaced his predecessor, Yumjaagiyn Tsedenbal, who was said to have acquiesced in the decision. Most observers attribute Tsedenbal's replacement to health considerations and believe the move was sanctioned if not inspired by Moscow, and will result in no significant domestic or foreign policy changes. Nothing has been heard of Tsedenbal since his replacement.

Lower-ranking members of the MPRP have no real ability to influence the decisions of their superiors. Elections are held at regular intervals, but only one candidate is listed for each office. Many elections result in a 99.9 percent turnout. Winning candidates regularly receive 99.9 percent of the vote. Although there is no officially espoused policy of minority discrimination, there is little evidence of any minorities occupying elite party or government positions. Universal suffrage is official policy.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

There have been no known opportunities for outside investigators to examine human rights practices. It is highly unlikely that Mongolian officials would permit such an investigation by any outside authority or organization. There in no known organization dedicated to the protection of human rights in Mongolia. The Amnesty International 1984 Report did not contain an entry for Mongolia. It categorized that country among those on which there was insufficient information to allow an entry. Freedom House's 1984-85 report listed it as "not free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

World Bank and Mongolian Government statistics tend to confirm Mongolian claims of some improvement in the standard of living. Mongolian figures indicate that there were 22.4 physicians per 10,000 population in 1982 and that the infant mortality rate had declined to 47.8 per 1,000 live births in 1984. Life expectancy at birth rose from 52 years in 1960 to 65.3 years in 1984. Education has been a high priority since the mid-1950's. Mongolian Government statistics show the total number of students per 10,000 persons increased from 1,375 in 1960 to 2,758 in 1980. There appears to be little sexual, racial or religious discrimination in education. According to the World Bank, the adjusted primary school enrollment ratio for males in 1981 was 107 and that for females was 102. The Government claims universal literacy within Mongolia. The seventh five-year plan (1981-85) continues to encourage the learning of the Russian as the primary foreign language in the Mongolian educational system.

## MONGOLIA

The percentage of calories available for consumption relative to nutritional needs reached 111 percent in 1982 according to the World Bank. Gross national product per capita in 1979 was US $780.00. Population figures in 1984 show 1,860,000 people in Mongolia. The population growth rate slowed slightly from 2.9 percent in the 1960's and 1970's to a 1984 figure of 2.7.

Despite the substantial rise in the Mongolian standard of living over the last fifty years, the country remains extremely backward. The majority of the population is still engaged in agriculture, primarily herding. National economic growth is severely limited by an inefficient and over-centralized bureaucracy and a centrally-run economy subordinated to the Committee for Mutual Economic Assistance, a Soviet-dominated organization. These combine with a lack of resources, extreme geographic isolation, and a severe climate to keep the quality of Mongolian life poor by international standards.

The official policy of the Government is to accord equal rights to women. According to Mongolian government statistics, the percentage of women in the workforce rose from 30 to 46 percent between 1960 and 1980. While few women occupy positions of responsibility in the Government or in the MPRP, it is reported that they hold high professional positions in institutions such as hospitals.

## NEW ZEALAND

New Zealand has an exemplary record on human rights and continues efforts to improve and broaden respect for such rights. Its firm tradition of democracy dates back to its founding in the 19th century. Personal freedom, freedom of religion and of the press, universal suffrage, rule of law, respect for minority rights, concern for the economically deprived, free trade union affiliation, and humane treatment of prisoners remain deeply ingrained principles in New Zealand society and are fundamental, unquestioned tenets of its governance. Its government is a multi-party parliamentary democracy in both theory and practice and its economy is based on free market enterprise. During 1984 there were no major incidents in New Zealand which might have influenced its already excellent record in the field of human rights. However, there is public acknowledgement that despite New Zealand's excellent human rights record there is room for improvement in the rights of women and minorities.

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

Killing for political motives, whether by the Government or by political organizations, does not occur.

#### b. Disappearance

There are no reports of secret arrests, clandestine detentions, or abductions.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and cruel or degrading treatment or punishment are illegal under New Zealand law and not practiced. Use of excessive force by the police and abuse of prisoners are not tolerated and the Government has adequate procedures to deal with any allegations of such treatment. Capital punishment remains illegal and summary executions are non-existent. Prison and detention facilities enjoy an excellent reputation for providing adequate shelter, food, and medical care. Prisoners are permitted regular visits by their relatives and lawyers. All prisoners are treated equally.

#### d. Arbitrary Arrest, Detention, or Exile

There are no reports of political prisoners. Habeas corpus exists and is practiced. Preventive detention does not exist. Those arrested under New Zealand law are charged promptly and allowed access to an attorney of their choosing.

#### e. Denial of Fair Public Trial

New Zealand law guarantees the right to a fair, public trial and this right is faithfully honored. Defendants are charged promptly after their arrest, and all charges are stated formally and clearly. Defendants are entitled to counsel, with free private access guaranteed. The judicial system operates independently of government interference or influence. There are no special courts to deal with political or security offenses. Under New Zealand's legal system, defendants are able to call witnesses, present evidence, and cross-examine prosecution witnesses at trials, and they remain free of double jeopardy.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The New Zealand Government does not permit arbitrary interference with the privacy, family, home, or correspondence of its citizens.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

New Zealand has a long tradition of free speech and press and these rights are guaranteed by numerous common law cases. The Government makes no attempt to censor or control the media apart from legislated exceptions relating to pornographic and similar materials and laws against defamation. Opposition viewpoints are freely discussed both in public and in the media.

### b. Freedom of Peaceful Assembly and Association

The New Zealand population enjoys the right to assemble freely, without restriction, and this applies equally to the freedom of association. Trade unions, which have a long tradition in New Zealand, enjoy these same rights. The Government does not interfere in union matters and there are no state-organized unions. Public sector employees generally are not prohibited from collective bargaining and striking but there are some limited exceptions. These exceptions are related to the safety and well-being of the public. New Zealand unions may freely associate with international labor organizations.

### c. Freedom of Religion

All religions can be practiced freely in New Zealand without government interference. There is no state or government favored religion, nor is any advantage given to any particular faith.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There is complete freedom of internal and external travel, emigration, and repatriation. The right of voluntary repatriation is guaranteed. Each citizen enjoys the right to change his residence or workplace at will. New Zealand continues to be responsive, within the limits of its resources, to the resettlement needs of refugees. All asylum cases are considered under the same guidelines as those for refugees, as defined under the 1951 convention relating to refugees.

## NEW ZEALAND

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Government is genuinely elected by its people, who participate freely in all its political processes. New Zealand is a multiparty parliamentary state. Two primary parties, Labour and National, dominate the political scene. During 1983, a new political party, the New Zealand Party, was established; it gained 12 percent of the vote but no seats in the July 14, 1984, national elections. The fourth party of significance, the Social Credit Party, captured 8 percent of the vote in that election and won two seats. Suffrage is universal for persons 18 years of age and older. Voting rates are high, and participation in political groups common. All opposition groups have every opportunity to voice their views, and no groups are denied the right to political participation or suffrage. Problems of nationality, citizenship, or statelessness do not exist.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

There have been no requests for such international or non-governmental investigations. New Zealand's commitment to protecting human rights and opposing discrimination is illustrated by its adherence to a number of United Nations conventions including the International Covenant on Economic, Social, and Cultural Rights and the International Covenant of Civil and Political Rights. Prominent among the numerous organizations which exist to protect human rights and oppose various forms of discrimination are the New Zealand Human Rights Commission, the New Zealand Council for Civil Liberties, the Citizens' Association for Racial Equality, the New Zealand Chapter of the International Commission of Jurists, the Race Relations Conciliator, the National Organization of Women, and the New Zealand Branch of Amnesty International. These groups serve to focus public and government attention on possible instances of human rights violations both in and outside of New Zealand. Amnesty International's 1984 report does not include a section on New Zealand. The Freedom House 1984-1985 report calls New Zealand "free."

### ECONOMIC, SOCIAL, AND CULTURAL SITUATION

New Zealand society shows growing sensitivity to the status of women and Maoris, primarily in education and employment. Women are legally equal with men and participate freely in all phases of New Zealand life. The number of women Parliamentarians was increased from eight to twelve by the 1984 national elections. Both major political parties are headed by women. A Ministry for Women's Affairs has been established by the new Labour Government, which also plans to ratify the UN Convention on the Elimination of all Forms of Discrimination Against Women. In addition, the Human Rights Commission continues to hear complaints about discrimination; the largest category of complaints concerns discrimination against women in employment. Food, shelter, health care, and education are available to all New Zealanders regardless of race, religion, sex, ethnic background, or political belief.

## NEW ZEALAND

Maoris still lag significantly behind non-Maoris in important categories, e.g., median income levels, unemployment levels, educational achievement, and life expectancy. Maori dissatisfaction with this situation was reflected in a Maori nationwide "Summit Conference" held in October. This resulted in a series of recommendations including for establishment of a Maori Economic Development Commission, revision of legislation so as to permit more development of Maori land, constitutional measures to safeguard Maori rights, and an increase in Maori representation on government bodies.

The population of New Zealand in 1984 was 3,251,000 with a growth rate of 1.40 percent. Per capita GNP (US dollars) as of 1982 was $7,916.30. Life expectancy at birth in 1984 was 73.85 years. The infant mortality rate during 1984 decreased to 11.30 per 1,000 live births. Primary school enrollment in 1987 as a percentage of age group is 105.5 percent for the whole population, 106.38 percent for males and 104.59 percent for females. As of 1981 the calorie supply as a percent of requirements was 129.0 percent.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: NEW ZEALAND

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.AID ................. | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.0 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| OTHER US LOANS.......... | 104.6 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 104.6 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 0.0 | 0.3 | 0.0 | 103.5 |
| IBRD | 0.0 | 0.0 | 0.0 | 101.6 |
| IFC | 0.0 | 0.0 | 0.0 | 0.0 |
| IDA | 0.0 | 0.0 | 0.0 | 0.0 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 0.0 | 0.3 | 0.0 | 1.7 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 0.2 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## PAPUA NEW GUINEA

Papua New Guinea is the largest and most populous island country in the South Pacific. It has a federal, parliamentary form of government with a unicameral legislature. Political legitimacy rests on popular will expressed in majority vote in accordance with a Constitution embodying extensive public consultation and Melanesian tradition, which accords prestige based on individual accomplishments rather than heredity. The military, police, and intelligence services are under civilian control. The courts are independent and vigorously protect individual rights. The two government transfers of power since independence in 1975 have been peaceful and in keeping with the Constitution.

The economic system has three parts: The traditional, rural, subsistence economy which supports about 80 percent of the population; the privately controlled money economy; and enterprises in which the Government has invested. The private sector produces most of the wealth and provides three-fourths of government revenues; most of the remainder is aid from Australia.

In 1984, constitutional protection of individual rights continued to be maintained by the courts. A provincial government order to force squatters in and near the city of Madang to return to their villages without due process was declared unconstitutional and reversed; some prisoners charged with criminal offenses were released from jail for having been held over six months without trial; and an officer of the Department of Foreign Affairs and Trade has been convicted and fined for striking two illegal border crossers during questioning.

Since February 1984, about 11,000 Irian Jayans fleeing conditions in Indonesia have illegally crossed the border into Papua New Guinea and been gathered into nine border camps where they are maintained by the Government of Papua New Guinea and various aid organizations. Although repatriation of these border crossers is the Government's declared intention, it has also stated it will consider the effects of returning in each case and will not forcibly repatriate any border crosser. The Government has negotiated a number of guarantees and procedural safeguards with the Government of Indonesia aimed at insuring the safety and rights of border crossers before their return to Irian Jaya. Several hundred border crossers may eventually be classified as refugees and allowed to remain in Papua New Guinea or given refuge in third countries.

In 1984 as in previous years, no significant complaints of human rights violations occurred in Papua New Guinea. In response to rising urban crime, large public demonstrations and meetings were mounted this year throughout the country to demand more active protective measures for the public. Consequently, some members of the public and of Parliament have spoken in favor of compromising individual rights to strengthen governmental control over urban crime as well as tribal fighting. However, no erosion of rights has occurred, and the growing legal profession, active churches, a lively press, and an informed citizenry are energetic in protecting freedoms.

# PAPUA NEW GUINEA

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

Neither the Government nor any opposition group has resorted to political killing.

#### b. Disappearance

Forced disappearance of persons by officials or suspected officials does not occur.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution forbids torture and cruel or degrading treatment. Prisoners are almost always treated fairly and humanely. The courts and Ombudsman Commission investigate the small number of complaints and intervene when abuses are discovered. Civil damages have been awarded and offending officials punished in such cases.

#### d. Arbitrary Arrest, Detention, or Exile

Politically motivated arrests do not occur in Papua New Guinea, and the courts vigorously enforce constitutional protections against arbitrary arrest or detention. Exile is not practiced. Warrants are required for-arrests. Suspects have free access to a lawyer of their choice, and in serious cases counsel is provided at state expense. Suspects and their counsel are informed of charges and have the right of judicial review of detention. A reasonable bail is allowed, except when a judge rules that the risk of flight or further crime warrants detention.

On June 29, 1984, members of the Irian Jaya Separatist movement, Organisi Papua Merdeka (Free Papual Movement) or OPM, crossed into a remote area of Papua New Guinea, kidnapped and held captive for three days a Papua New Guinea school teacher who, they claimed, was spying on the movement's activities. The teacher was released unharmed when it became apparent that all levels of Papua New Guinea society, including the Government and OPM sympathizers, condemned the kidnapping.

#### e. Denial of Fair Public Trial

The right to a fair, public trial is strictly observed. Defendants are represented by counsel. A high crime rate and a shortage of funds, police and judicial personnel have caused the time spent awaiting trial for serious offenses to increase in recent years. The right of habeas corpus, however, limits holding persons without trial to a maximum of six months. The courts are free from executive, political, or military interference. There are no political prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Sanctity of the home and family and privacy of correspondence are observed.

## PAPUA NEW GUINEA

### Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

An independent press, effective constitutional guarantees, and a functioning democratic political system combine to insure freedom of speech and press. State-owned radio gives significant, if not entirely equal, coverage to statements of opposition politicians. Pornography is prohibited. Films are censored for suitability and classification based on sexual explicitness and degree of violence. Adademic freedom is respected.

### b. Freedom of Peaceful Assembly and Association

The right of association is legally guaranteed and freely exercised. Labor unions are protected by law and are active and important in the country's economic and political life. Over 50 trade unions exist, among which the most significant are the various public employees' associations, the two mineworkers' unions, and the dockworkers' union. The private sector unions are free to strike and do so regularly. Papua New Guinea is a member of the International Labor Organization and union executives often attend international councils. Employers' associations also flourish. There is a legal requirement that a permit be obtained before a demonstration. No application has been denied recently.

### c. Freedom of Religion

Freedom of religion is guaranteed by law. There are no controls on the practice of religion and no religious discrimination. A wide variety of indigenous and Christian denominations flourish. Missionaries are allowed to work freely in the country and their contributions to spiritual life are widely and favorably recognized.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement of Papua New Guinea citizens within or into and out of the country is not restricted by law. Naturalization is available to foreign residents who satisfy a residence requirement and are sponsored by a village; it can be revoked only for fraud. Some economic privileges are reserved for native citizens. Persons who enter Papua New Guinea without documentation from the neighboring Indonesian Province of Irian Jaya are interviewed in order to establish the reasons for their entry. Current practice is to return those who come for economic reasons; and to find refuge through the U.N. High Commissioner for Refugees (UNHCR) for those judged likely to suffer reprisals if returned home.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Papua New Guinea has a unicameral legislature composed of representatives from 19 provinces and the national capital. None of the seven organized parties has an absolute parliamentary majority. Politics are marked by keen competition for elected offices and a loose party structure.

Parliamentarians can and occasionally do cross party lines during votes. Any citizen can run for Parliament and several members are foreign born. Two peaceful changes of government have taken place since independence. The parliamentary elections since independence have resulted in substantial turnovers of members. An Ombudsman Commission monitors campaign contributions.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

Although there have been no allegations by international or non-governmental agencies of human rights violations in Papua New Guinea, local politicians and some private groups have criticized the government for not doing more to improve the lot of illegal border crossers from Irian Jaya who live in nine temporary camps near the border. The UNHCR has an office in Port Moresby that contributes toward the provision of minimal necessities for border crossers. No domestic human rights monitoring group exists, but several outside groups have been permitted to visit border camps and have reported on them. The Ombudsman Commission and the courts take legal action against abuses when discovered, and the press and concerned politicians have been quick to publicize alleged governmental shortcomings. The 1984 Amnesty International Report did not contain an entry for Papua New Guinea. Freedom House's 1983-84 report lists it as "free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Papua New Guinea has land and mineral resources, but modern technology has only recently arrived and is not yet widely disseminated. Most of the population lives at the subsistence level. Lack of infrastructure--roads, ports, and electric power--is a constraint on growth. Communal ownership of land, which discourages individual investment and inhibits the government's exercise of eminent domain, is another barrier to growth.

Nonetheless, according to available economic indicators, the standard of living in Papua New Guinea is improving. Per capita Gross National Product is up from $360 in 1970 to $816 in 1982, an average annual gain of two percent in real terms. According to World Bank statistics, in 1984 the population grew at the rate of 2.1 percent to 3,226,000.

Infant mortality is declining (92.8 per 1,000 live births in 1984). Life expectancy at birth in 1984 was 53.3 years. School enrollment is up from 39 percent of primary school-aged children in 1970 to 66 percent in 1982. The Government provides education and health care on a nondiscriminatory basis; however, the highlands region lags in education because of its later exposure to the outside world.

Papua New Guinea devotes significant resources to confronting the serious social problems of tribal feuds in the rural highlands region and crime in the towns. Tribal fighting causes about 140 deaths a year, plus injuries and extensive destruction of homes and subsistence plots. Enforcement of existing laws is not wholly effective. Participants usually do not testify against each other and only a small proportion of persons arrested are convicted.

## PAPUA NEW GUINEA

Urban crime has its main roots in high unemployment among recent migrants from the countryside and a traditional acceptance of intergroup violence. The number of crimes actually reported nationwide in 1984 is about the same as 1983, but there is a public perception that crime is steadily and markedly increasing and government leaders have made statements to this effect. The crime rate in Papua New Guinea is believed to be about double the average for developing countries. The resultant prison population is one of the highest in Asia and the South Pacific.

Women have equal rights before the law and their status is gradually improving, but they still face difficulties. Wife-beating is said to be widespread, but it is rarely brought to the attention of the authorities. In urban areas, along with other violent crimes, rape is a problem of increasing severity. In the villages, women are protected by their kin, but attacks on women are a common feature of intertribal conflict. Against the background of traditional male dominance, the achievements of women in Papua New Guinea are significant. Some have become doctors, lawyers, and office directors. The Permanent Secretary for Labor and the head of the Education Commission are women. One woman, a former minister, is a member of the National Parliament and several hold seats in provincial assemblies.

Word Bank statistics from 1975 (the latest available) indicate that only 20 percent of the population has access to safe water. Since that date, however, several governmental and aid programs have made safe water supply a development priority. Safe water is now available in towns and most villages.

According to World Bank statistics, the average caloric intake of Papua New Guineans in 1981 was 92 percent of that needed. Cases of malnutrition in the more remote areas along the border and in parts of the highlands are still reported. Ten percent of the urban and 75 percent of the rural population were living below the absolute poverty level in 1979, according to World Bank statistics.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
## (U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: PAPUA NEW GUINEA

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 0.4 | 0.6 | 0.8 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.4 | 0.6 | 0.8 |
| A.AID ................. | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.0 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.4 | 0.6 | 0.8 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.4 | 0.6 | 0.8 |
| PEACE CORPS...... | 0.4 | 0.6 | 0.8 |
| NARCOTICS......... | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 0.4 | 0.6 | 0.8 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.4 | 0.6 | 0.8 |
| OTHER US LOANS.......... | 60.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 60.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 38.7 | 80.6 | 64.3 | 523.8 |
| IBRD | 6.0 | 45.1 | 49.3 | 194.4 |
| IFC | 0.0 | 0.0 | 0.0 | 7.6 |
| IDA | 2.0 | 3.0 | 0.0 | 113.2 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 28.0 | 24.0 | 15.0 | 177.2 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 2.5 | 0.0 | 0.0 | 14.4 |
| OTHER-UN | 0.2 | 0.6 | 0.0 | 2.1 |
| EEC | 0.0 | 7.9 | 0.0 | 14.9 |

# THE PHILIPPINES

The Philippines has a presidential-parliamentary system of government dominated by its chief executive, Ferdinand Marcos, President since 1965. Through his personal power, control of the ruling party, and use of tne emergency decree-making powers granted by the Constitution, Marcos has dominated the political arena. The president is elected to a six-year term and may succeed himself indefinitely. The governmental system includes a prime minister and a unicameral legislature, the National Assembly, both subordinate to the chief executive. National Assembly members are elected to six-year terms not coinciding with the term of the president.

After nearly four hundred years of Spanish colonial rule, the Philippines became an American colony in 1898. It was granted Commonwealth status by the United States in 1935, and, on July 4, 1946, gained full independence. The Filipino people have a long-standing attachment to democratic principles and institutions, fostered by the legacy of the American years. From independence until 1972 the country was governed under its 1935 Constitution, patterned closely after the United States Constitution and which provided for government with three branches; a strong chief executive, an independent judiciary, and a two-house national legislature.

On September 21, 1972, President Marcos declared martial law, citing anarchy, lawlessness, urban terrorism, and open rebellion by the New People's Army (NPA), the military wing of the Communist Party of the Philippines. Democratic institutions were suppressed under martial law. The 1935 Constitution was replaced by one approved by a constitutional convention on November 30, 1972 and ratified in January, 1973, in a series of controversial "Citizens' Assemblies." In 1981, after new constitutional amendments had redefined the presidency, Marcos was reelected to a six-year term. Although martial law formally ended in 1981, the President has continued to exercise broad, discretionary decree-making powers to limit criticism of the regime and to suppress opposition activity.

In National Assembly elections held in May 1984, an estimated 80 percent of eligible voters participated. Opposition groups won about one-third of the seats in the Assembly and the ruling Kilusang Bagong Lipunan ("New Society Movement" - KBL) party and its allies the remainder. Although marred by some violent incidents and by charges and countercharges of vote buying, illegal overspending, intimidation of voters and poll watchers, and other electoral abuses, the election was regarded by many Filipinos as a relative success by historical standards. An outspoken, vigorous but ultimately unsuccessful election boycott movement developed a nationwide following during the 1984 election season.

Two insurgent groups are active, the Communist NPA and the Moro National Liberation Front (MNLF), a radical Muslim secessionist group. Both employ terrorist tactics, including murder, bombings, and extortion. The NPA has expanded significantly over the past two years and now operates to some degree in most provinces. In some areas, it has gained considerable influence, exacting "taxes" from businesses and individuals and administering its own often violent brand of "justice". In some NPA-influenced areas, mayors and other local government officials have left their towns, out of fear for their own safety.

## THE PHILIPPINES

In the South, the MNLF has waged a secessionist struggle since 1972. This conflict has its origins in inequities and misunderstandings dating from the Spanish era, including competition with Christians over lands traditionally held by Muslims, past efforts by the central government to control and expand Christian settlements, and the desire of the Muslims to preserve their cultural identity. The level of fighting in predominantly Muslim areas has, however, diminished considerably in recent years.

The Government has mounted political, military, and economic efforts against both insurgent groups. In large part, these counterinsurgency efforts have succeeded better in areas affected by the MNLF than in those where the NPA is active.

The Philippines is a predominantly agricultural country with a growing industrial sector. It ranks economically in the lower middle range of developing countries. Its private sector is subject to both substantial state intervention and favoritism toward individual entrepeneurs with close ties to the Government and the Marcos family. The Philippine economy experienced considerable difficulty in 1984.

There continued to be serious human rights violations in 1984, particularly in areas affected by the Communist insurgency. The number of persons detained for alleged national security violations did not change appreciably from 1983. There were frequent reports, many of them well-founded, of human rights abuses by government security forces. These included harassment of civilians; arbitrary arrests, detentions, and disappearances; instances of torture; unlawful searches and seizures; and summary executions or "salvagings" of suspected insurgents and insurgent sympathizers. The Government has conducted investigations of abuses by the military, and senior officials have made public statements on the need for discipline and respect in military dealings with civilians. However, in practice, few within the military are seriously punished for abusive actions.

An independent, presidentially created fact-finding board was established in November 1983 to investigate the circumstances of the August 21, 1983, assassination of former Senator Benigno Aquino, a popular opposition leader and major political rival of President Marcos.

The fact-finding board, a five-member body with representatives from the legal, labor, business, and academic communities, conducted a painstaking, vigorous inquiry into the killing throughout the first half of 1984, in public and closed meetings. In October, a four-member majority of the board issued an exhaustive report declaring that there was a conspiracy within the Philippine military to murder Aquino. The majority report extended legal responsibility in the killing to General Fabian Ver, Chief of Staff of the Armed Forces who is close to President Marcos. It recommended criminal prosecutions against the Chief of Staff, two other generals, 22 others in the Philippine military, and one civilian for complicity in the murder. The board's majority report found that some of these persons were actual conspirators in the killing, and that others were accessories after the fact. Upon receipt of the board's report, President Marcos announced that appropriate prosecution would be undertaken in a civilian court. The President also received a minority report from the board's chairman which named only seven members of the Philippine military as participants in the conspiracy to murder Aquino. In December, the case was under review by a government prosecutor.

The trend towards greater press freedom following the 1983 Aquino assassination continued. Pro-government newspapers, owned by political and personal allies of the Marcos family, now often feature articles critical of aspects of the Government and its policies, including stories on corruption and human rights abuses. The active opposition-oriented press which emerged after the assassination flourished throughout 1984. It has continued to provide a platform for anti-government viewpoints, and to furnish straight news reporting as well. Change towards greater freedom has been less noticeable in radio and television, which the Government influences more strongly. Nevertheless, a Catholic Church-linked radio station based in the capital city region has gained many listeners because of its independent public affairs coverage.

The Philippines continues to offer asylum to refugees, and to cooperate with international organizations, foreign governments, and associated private voluntary agencies which assist refugees, pending their permanent resettlement elsewhere.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

### a. Political Killing

The use of violence for both personal and political purposes has been common historically in the Philippines. The boundaries between common criminal activity, personal vendettas, unauthorized reprisals by individual military or constabulary units, and legitimate counterinsurgency operations are often blurred. Insurgents are responsible for some killings, as are common criminals, extremist religious sects, private security forces, and vigilante groups. Some of these are clearly connected to government units or insurgents. Clashes between insurgents and government forces occur with frequency, and often result in fatalities; human rights groups assert that many of these deaths are in fact summary executions of unarmed civilians.

Numerous reports of summary executions or "salvagings" occurred throughout the Philippines during 1984. Task Force Detainees(TFD), a Catholic Church-related group which investigates and compiles statistics on human rights violations, reported in June 1984 that a total of 108 salvagings had taken place throughout the Philippines by mid-year. TFD reported a total of 368 salvagings nationwide for the entire year of 1983. According to TFD reports, most of these killings were of farmers in areas of insurgent activity, although other killings did occur in urban settings.

The Government reported in October that in 1984 it received 14 complaints of salvagings attributed to the military: two were found positive for prosecution purposes and twelve were still under investigation as of December.

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The year was marked by two group slayings, apparently involving the Philippine military, which received widespread publicity. In March, seven young men were reportedly executed by army elements in Butuan, northeastern Mindano. The military has denied involvement in the incident, but accounts furnished by local residents and one local law enforcement agency's investigation strongly suggested military involvement. No serious investigation of this incident appears to be under way.

In May of 1984, nine men were killed by elements of the Philippine Constabulary near Langoni, Negros Occidental, in the Western Visayas region. The military initially described the incident as a result of an armed clash between government troops and rebels. Local townspeople, however, furnished accounts contradicting the military report, and suggesting that the civilians were summarily executed by members of the Constabulary after having been taken into custody. In September, a court martial of 13 Constabulary soldiers allegedly involved in the incident was ordered by then Vice Chief of Staff and Constabulary head Lt. General Fidel V. Ramos, but action taken since the order has yet to be revealed.

Government officials state that mistakes have been made by security forces fighting in insurgency affected areas. The Government has carried out investigations and has stated that military personnel have been disciplined for abusive behavior. In fact, however, they are seldom seriously punished, although there were a few cases in 1984 in which punishment was ordered. For example, in October, a Constabulary captain was sentenced to one year in prison for the arbitrary detention of four civilians in Butuan City in 1982. In the course of the investigation, the defendant said that he released the four civilians after questioning them. The four have been missing since the incident. The Government reported in October that in 1984 a total of 111 military and national police personnel were charged before courts martial for abuses of civilians. Only eight of those so accused were convicted. For those convicted, sentences reportedly ranged from dishonorable discharge, with forfeiture of pay, to death. The most common form of punishment for abuses, however, was an administrative transfer to another region. As of October, according to government reports, a total of 120 military personnel were the subjects of administrative disciplinary action, including reprimands, demotions, and discharges, for abuse of authority. The activation in Metro Manila in June of a controversial "Secret Marshal" corps of some 1,000 armed law enforcement officers gave rise to widespread allegations of arbitrary killings. The marshals, plainclothes armed officers, were assigned to ride as passengers on the Metro Manila public transit vehicles, in a government effort to combat the increased crime aboard these vehicles. The marshals had summary arrest powers, as well as authority to shoot to kill offenders who refused to submit to arrest. Marshals reportedly killed more than 20 alleged criminals while the program was in effect. At least one such killing was a case of mistaken identity, as a result of which authorities brought homicide charges against four officers. The program won the approval of some Metro Manila residents as a welcome assault on crime. In other quarters, however, it drew sharp criticism as a violation of due process. Its critics included senior Catholic Church officials, human rights activists, and some lawyers and journalists. The Secret Marshal program was ended in late July.

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According to press reports, at least 140 civilians were summarily executed by the NPA from January to mid-November. Insurgents reportedly kill landlords and local officials in order to intimidate the population, extort contributions, carry out vigilante justice, and demonstrate their strength. In May a police general, Tomas B. Karingal, was murdered in Metro Manila. While the NPA allegedly took credit for this slaying, as of November, the killing was still under investigation by the Government.

On November 14, Mayor Cesar C. Climaco, a frequent outspoken critic and opponent of the Marcos regime, was assassinated in Zamboanga City. Given the possible political implications of the killing, Acting Armed Forces Chief of Staff General Ramos was appointed to head the investigation. An arrest had been made and the investigation was continuing at the end of December.

### b. Disappearance

The TFD human rights group listed 53 persons as having disappeared from January to June 1984. (TFD reported a total of 145 disappearances for all of 1983.) The Government maintains that its forces were not responsible for these disappearances. However, the Government has as a frequent practice held persons suspected of national security offenses incommunicado in order to complete its interrogation before revealing their capture.

In the course of the investigation of the Aquino assassination, it came to the attention of the government fact-finding board that three persons believed to have knowledge of some circumstances surrounding the alleged conspiracy to murder Aquino had disappeared without explanation. They were the common-law wife of government-alleged assassin Rolando Galman (ultimately found by the fact-finding board to have been a scapegoat in a military plot to kill Aquino and not the assassin); and two nightclub hostesses with whom Galman reportedly was acquainted. Testimony presented to the fact-finding board indicated that all three women disappeared in early 1984. All were reportedly last seen in the company of persons with suspected ties to the Philippine military. A nationwide search undertaken by military authorities at the direction of the fact-finding board yielded no information on the whereabouts of the three, who remained missing as of early December.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is prohibited under the Philippine Constitution. However, some persons arrested for alleged national security offenses have reportedly been tortured, although no reliable figures are available on the number of instances of torture by government security forces.

The Ministry of National Defense admits that abuses occur, but states that some charges of torture are false and are used as a legal tactic by arrested subversives to gain release. Most complaints of torture or other abuse center on the period immediately after arrest, when suspects are reportedly detained in "safe houses."

In areas of military activity against insurgents, as well, there have been allegations of military abuse ranging from harassment and extortion to rape and murder. These allegations have appeared in the press and have also come from numerous human rights organizations, which believe that the Government is not doing enough to curb abuses and punish abusive military personnel. Although the Ministry of National Defense has investigated some reported abuses, it frequently fails to find evidence, and few personnel receive serious punishment.

Physical punishment is not officially part of the Philippine penal system, but prison conditions are often harsh, and reports of abuse are frequent. While in confinement, national security detainees are frequently allowed visits by family members, lawyers, and others, and are also often permitted food supplements from outside sources. Judy Taguiwalo, arrested on charges of subversion, was four months pregnant at the time of her apprehension in January. During her confinement at a military detention facility in Metro Manila she was allowed regular visits by family members and a private physician, and she received food supplements. Ms. Taguiwalo gave birth to a healthy baby at the detention facility hospital, and as of December continued in confinement with her child.

The use of extended solitary confinement for national security detainees appears to be selective and limited for the most part to persons whom the Government regards as key figures in the underground Communist movement. Jose Maria Sison, reputed senior member of the Communist Party of the Philippines, had been in solitary confinement since 1977. In 1984, the Supreme Court ordered the military to place him in a regular detention facility with access to other prisoners.

Persons held without bail pending completion of their trials for national security offenses are usually segregated from and have better accommodations than those held without bail for common crimes and those already convicted by the courts.

### d. Arbitrary Arrest, Detention, or Exile

Most human rights groups in the Philippines characterize all arrested persons who oppose the Government as "political detainees." The Government asserts that no one is arrested for his political beliefs, but that it arrests "public order violators" who commit specific criminal acts relating to the violent overthrow of the Government. Generally, such persons are charged with subversion and rebellion, possession of firearms and subversive documents, and, occasionally, with crimes such as arson and murder. The line between national security offenses and common crimes is frequently blurred and lengthy legal proceedings often result in such cases.

Arrested persons are generally charged promptly, although this is not always the case, particularly with regard to alleged "national security" offenders. Such persons are sometimes held incommunicado by military intelligence units for days or weeks before the Government presents charges or acknowledges that it is holding them. Arrests by military security groups are sometimes made without warrants or orders of any kind. For example, in June, military authorities conducted a warrantless raid at the Metro Manila headquarters of the National Alliance for Justice, Freedom, and Democracy, and arrested Father Jose Dizon, a Catholic priest who is Deputy Secretary General of the organization. Authorities claimed that they found subversive documents in the course of this raid. Father Dizon was briefly detained but released to the custody of his religious superior the same day. No effort has been made by government authorities to go forward with the prosecution of Father Dizon, although charges against him are still pending preliminary investigation by a government prosecutor.

Arrests in national security cases are frequently made under "preventive detention actions," which authorize arrests by presidential order without court warrant, and which allow persons to be held without bail until the President authorizes their release. The 1983 presidential decree which created the preventive detention action, however, provides for a yearly review of the case of each accused person held without bail. Despite this provision, President Marcos still retains the power to order anyone's detention for an indefinite period of time.

As of November 1983, government figures showed that 492 persons accused of national security offenses were being held without bail. TFD, which compiles statistics on "political detainees," reported as of June that a total of 798 political arrests had taken place in 1984, compared with 2,088 for all of 1983.

Numerous alleged national security offenders continued under "house arrest" or "temporary release status" throughout 1984. Prominent among these are defendants in the still ongoing 1982 "We Forum" newspaper subversion case, as well as opposition leader Eva Estrada Kalaw, who, while under liberal house arrest in connection with national security offense charges dating to 1979, successfully ran for a seat in the National Assembly. Aquilino Pimentel, former mayor of Cagayan de Oroin Mindanao, was released from a restrictive house arrest in April to campaign as a candidate for the National Assembly. Pimentel won an Assembly seat, but in late October the Commission on Elections invalidated his election. As of December, an appeal from this decision was still pending in the Supreme Court, but he is forbidden to take his seat in the National Assembly until the appeal is resolved. Meanwhile, Pimentel still enjoyed freedom of movement throughout the country.

In October 1984, the country's longest held detainee, Fidel Agcaoli, held since May 1974, was released from custody. Prior to his 1984 conviction for conspiracy to commit rebellion, Agcaoli had already been held for longer than the maximum sentence for this offense.

Habeas corpus is generally available, but remains suspended throughout the country for persons charged with subversion or rebellion and for those charged with any crime in the two regions in Mindanao where the MNLF insurgency continues. Defendants in subversion and rebellion cases or their relatives frequently petition the Supreme Court for habeas corpus. In some instances the court has granted hearings and compelled the Goverment to present persons specified in petitions before it. In other cases, however, the Supreme Court has been slow to act on such petitions. The Court has ruled that preventive detention actions issued by the President are constitutional.

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### e. Denial of Fair Public Trial

All persons currently charged with crimes are legally presumed innocent until proven guilty and, if arrested after martial law was lifted in 1981, receive public trials in civilian courts. As of October, the Government reported that nine military commissions, remnants of the martial law period, were still in existence. These nine commissions were handling ten cases, six of which covered a total of 218 accused and four of which covered 37 persons accused of common crimes.

The right to counsel is guaranteed by law and in general honored from the time a person is presented in court for the reading of charges. However, there have been instances when persons charged with subversion and rebellion have been held for periods of time without access to counsel. This occurred in the case of Milagros Aguilar Roque, alleged by the Government to be a high-ranking operative of the Philippine Communist Party, who was held incommunicado for several days after her arrest in August. Thereafter, she was represented by counsel and was allowed visits by family members.

If a defendant cannot afford counsel, the court will appoint a lawyer. Private and government legal assistance is available to indigents, and there are lawyers' organizations which provide assistance to alleged national security offenders. Because of case backlogs, a shortage of judges, and the practice of hearing cases concurrently, trials in civilian courts often take two or three years. Subversion and rebellion trials have frequently lasted longer. Trial by jury is not a part of Philippine jurisprudence. Questions of law and fact, including determinations of guilt or innocence, are all resolved by the presiding judge.

The Supreme Court in particular has shown signs of greater assertiveness in sensitive areas. For example, it overruled the Government's refusal to grant a rally permit for the anniversary of Benigno Aquino's death on August 21, 1984. It also, in an unusual show of independence, ordered the ballot boxes in the disputed election of Aquilino Pimentel to be impounded, and stated it would conduct a recount. However, there remains widespread Philippine cynicism regarding the fairness and independence of the judiciary, and there is frequent criticism that political influence or bribery of individual judges plays a part in judicial decisions.

Charges in subversion and rebellion cases are often vague. There have been some cases with multiple defendants, where conspiracy to overthrow the Government was alleged but little detail was provided in the charges. Members of the opposition have sometimes been linked to alleged conspiracies with subversive elements, and some have left the country to avoid lengthy trials, restriction of movement, or possible imprisonment.

In practice there have been few convictions for subversion and rebellion. Trials, including those of better known defendants, tend to continue indefinitely. Human rights organizations state this serves to harass or intimidate the opposition. In many instances, defendants held under preventive detention regulations and charged with subversion are given "temporary release" while their trials continue. Others have been released outright after a few weeks or months.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The state intrudes little into the family life of most Filipinos. Parents are free to raise their children as they see fit. Religious practices are a personal matter, as is the decision to join a political party. The Constitution's Bill of Rights specifies that persons shall be secure in their homes and guarantees the privacy of communications and correspondence. These rights are generally respected by the authorities.

A search warrant may be issued by a judge upon a finding of probable cause. The President may also order a search. There have been allegations that the property of some persons accused of subversion or rebellion was searched without a warrant, but in most instances the authorities obtain warrants before acting. In insurgency affected areas, however, there have been reports of military personnel entering premises and destroying private property without authorization.

In some rural areas in Mindanao there were efforts by the Government in 1981 and 1982 to force inhabitants to relocate to new "hamlets" or "village centers" as part of its drive to curb the Communist insurgency. Following reports of these practices in the press and by the Integrated Bar of the Philippines, the Minister of Defense, on March 2, 1982, issued orders to halt such activities, declaring them "violative of the constitutional rights of the people." Reports nevertheless have continued since March, 1982, of "hamletting" or forcible resettlement. There were reports from human rights groups that forcible resettlement continued throughout 1984 notwithstanding the 1982 government ban on the practice. One group reported that hamletting, previously confined to provinces in Mindanao, occurred in 1984 in the provinces of Ilocos, Cagayan, and Quezon in Luzon. The group was, as of early 1985, unable to furnish any figures on the incidence of this alleged hamletting. According to the Government, higher levels of combat between government forces and Communist insurgents have led some people in scattered rural areas to relocate their homes of their own volition, often for limited periods, to avoid danger.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Freedom of speech and the press are guaranteed by the Constitution. In practice, however, there are some restrictions on the media. These are economic and political in nature, rather than in the form of direct government censorship. Nevertheless, Philippine media now operate with a degree of freedom greater than at any time since the imposition of martial law in 1972.

Three of the nation's largest nationally circulated newspapers are owned or controlled by relatives or other close associates of the Marcos family. While direct criticism of the Marcos family is rare in these papers, they do provide frequent coverage, in news reporting, as well as editorials and columns sometimes critical of specific government policies and personalities. Pro-government newspapers have significantly increased their coverage of opposition political activities since the 1983 Aquino assassination.

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Outspoken anti-government commentary is regularly found in independent newspapers and magazines. These include "Malaya," a popular new Manila daily begun in 1984 as a weekly but which switched to daily publication later, and "Veritas," a weekly newspaper published by a group of businessmen associated with the Catholic church. "Malaya" is a sister publication of "We Forum," an opposition newspaper which was closed by the Government in 1982. In the "We Forum" case, the Supreme Court ruled on December 26 that the December 1982 raid by the military authorities on the "We Forum" headquarters was illegal. While subversion charges remain against the "We Forum" defendants, lawyers for the group expressed the view that the December 26 decision paved the way for a dismissal of these charges.

International news publications such as "Time," "Newsweek," "Far Eastern Economic Review," "Asian Wall Street Journal," and the "International Herald Tribune" are freely sold in the Philippines, and were not censored or embargoed in 1984, even though sometimes containing articles or editorials sharply critical of the Government. Foreign reporters regularly travel in the Philippines and file stories without hindrance, although one or two incidents of alleged harassment (e.g., surveillance by suspected government agents) were reported. Government influence over the electronic media, particularly television, has been more evident than in the area of print media. Manila has one government-owned television station and four privately-owned stations. All of them produce and distribute programs for broadcast in Manila and other major cities. Major privately-owned stations are controlled by persons well-disposed towards President Marcos. All television stations appear to accept government guidance in the editorial field and often ignore or downplay opposition political activities.

Radio, especially important as a source of news and information in the provinces, is dominated by government loyalists, with exceptions like the Catholic Church-linked station, Radio Veritas, which gained prominence for its coverage of the funeral of Benigno Aquino in 1983. It continued to attract a wide audience in 1984.

Libel is a criminal offense, punishable by up to three years imprisonment. Rommel Corro, owner-publisher of the now defunct "Philippine Times," was released from detention in November 1984. He was first arrested in 1983 on charges of sedition arising out of his newspaper's publication of allegations of possible complicity of senior government officials in the Aquino assassination. He was temporarily released from custody during the 1984 National Assembly election campaign period (he ran as a candidate and lost) but was returned to custody shortly after election day. In November he was again released, by order of the President, after the filing of a habeas corpus petition on his behalf in the Supreme Court.

Libel suits are frequently filed in the Philippines, sometimes as a pressure tactic against reporters, with varying degrees of success. In 1984 Armed Forces Chief of Staff General Ver, along with prominent businessman Eduardo M. Cojuangco, filed civil and criminal libel complaints against the editor of a pro-government newspaper's Sunday magazine supplement, two writers, and a lawyer for a person alleged by the Government to have been the assassin of Senator Aquino. The charges stemmed from an article in which the lawyer was interviewed, and in which he said that the government-alleged assassin was seen being taken to Cojuangco's home some two days before the Aquino assassination. The merits of the case were not resolved as of December, 1984. In 1984, libel suits against Rommel Corro and against a "Newsweek" writer (the latter filed in 1983) were dismissed on the merits.

### b. Freedom of Peaceful Assembly and Association

A broad range of private professional, religious, social, charitable, and political organizations flourishes in the Philippines. The Constitution provides for the right of peaceful assembly. Numerous indoor and outdoor meetings protesting government policies and addressing other issues were held throughout 1984. The number and size of such gatherings varied. On August 21, 1984, several hundred thousand persons gathered in Manila for peaceful anti-government demonstrations to commemorate the first anniversary of Benigno Aquino's death. Opposition rallies are frequently held in provincial cities and towns.

Permits from local authorities are required for demonstrations in public places. Rally permits sometimes have been denied on grounds of alleged likely involvement of subversive elements; in other instances, permits have been issued and later withdrawn. In most cases, permits are issued and rallies take place. Nevertheless, on several occasions during the year authorities broke up ostensibly peaceful permitless demonstrations with tear gas and truncheons. In one instance in September, government security forces apparently fired into a crowd of anti-government demonstrators. One person later died as a result of the incident. As of December a National Assembly committee was investigating the conduct of security forces in this incident.

Anti-government rallies were common in 1984, some occurred in connection with protests against the Commission on Elections for suspected charges of tampering with results in the May National Assembly elections. A post election rally in the city of Cebu protesting alleged irregularities in vote counting there resulted in the death of one person in May.

The trade union sector claims slightly more than two million workers in a variety of union organizations. Labor and allied farm organizations claim a total membership of approximately 4.7 million out of a labor force of 20 million, but much of this membership is nominal, rather than being composed of active, dues-paying members. While there is a weakness in the trade union movement, this is inherent in the economic structure of the country and in divisions and rivalries within the labor movement itself, and does not arise out of any Government violation of the constitutional right of freedom of association in labor unions. International labor ties are not restricted. Three major world labor organizations, including the Communist-dominated World Federation of Trade Unions (WFTU), have active affiliates in the Philippines.

The Trade Union Congress of the Philippines (TUCP), claiming 1.3 million non-agricultural workers, is the only officially recognized trade union umbrella organization in the country. As a result of this official status, TUCP officials are appointed as representatives of labor on tri-partite boards such as the Social Security Commission and the National Council on Wages. Because of these links, the TUCP is frequently attacked as being government controlled. During 1984, the TUCP began to distance itself somewhat from the Government, making critical statements about government actions and policies and displaying less than enthusiastic support for the ruling party in the National Assembly elections.

In 1984 the opposition labor groups founded a loose working alliance called the National Workers' Coalition Against Poverty (PKMK). The PKMK began a dialogue with the Ministry of Labor on subjects of friction, most notably on the legal restrictions on the right to strike. In August, these discussions led to the issuance by the Government of additional guidelines on the conduct of strikes. These guidelines were responsive to some of the opposition's more critical objections to the enforcement of the present strike law but did not amend the law as the opposition continues to demand.

In the first half of the year, there were several violent confrontations between strikers and police which caused deaths and injuries. In the most widely publicized case, involving a labor dispute at a textile company in June, initial reports of numerous fatal shootings by the police turned out to be false, no fatalities having occurred. With the criticism of police violence against strikers and with international attention to reports of alleged police brutality in confronting political demonstrations, the authorities became cautious in enforcement, and there was notable defiance of the labor law and Ministry of Labor directives.

The National Assembly elections demonstrated that labor in the Philippines has developed little political strength. Two "labor" parties were formed, but only one participated in the elections, and its participation was predominately through endorsing candidates of both the ruling and opposition parties. The militant, leftist May 1 Movement (KMU) joined the election boycott movement. Some sectors of the TUCP gave a pro forma endorsement to the ruling party.

Opposition labor has played a role in anti-government rallies and demonstrations. The PKMK and its dominant component, the KMU, have been active in supplying leaders and manpower. However, most demonstrators apparently do not come from the ranks of the workers.

Complaints against the Government considered by the International Labor Organization (ILO) were lodged by the KMU and centered on the August and September 1982 arrests of predominately KMU labor leaders. Only one of those arrested, Crispin Beltran, General Secretary of the KMU, continued in detention in 1984, and he escaped from custody in November. The ILO Committee on Freedom of Association called for information on the status of Beltran's case. In a broader context, the ILO Committee of Experts in its 1984 report concluded that Philippine trade union legislation is incompatible with the Convention on Freedom of Association and Protection of the Right to Organize, and called on the Government to bring the law into conformity.

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### c. Freedom of Religion

There is no established state religion in the Philippines, and the right to practice one's religion is fully respected. Over 80 percent of the population is Roman Catholic. There are several Protestant and independent Christian groups, and a sizable Muslim minority. In the Sulu archipelago in the Southwest portion of the country and in parts of Mindanao, Muslims comprise the majority. The Government is assisting efforts to preserve the Filipino Muslim identity and cultural heritage. It has established an institute to train Filipino Muslim religious and legal leaders for positions in the Sharia Court system, which is based on Muslim personal law. The Government also provides assistance to Islamic schools and centers, and it facilitates the travel of Muslim pilgrims to Mecca.

Foreign clergymen and missionaries of various faiths normally perform their duties without difficulty. A notable exception, however, was the 1983-84 prosecution of an Australian priest, Father Brian Gore, an Irish priest, Father Niall O'Brien, along with a Filipino priest, Father Vicente Dangan, and six Filipino Catholic layworkers. All were charged in 1983 in the 1982 ambush slaying of a mayor in the province of Negros Occidental in the Western Visayas region. All defendants maintained their innocence and asserted that they were the victims of a frameup engineered by powerful sugar planting interests in Negros in retaliation for the priests' efforts to organize the rural population to defend its rights. After talks between Australian and Philippine leaders in February, 1984, an agreement was reached for a speedy trial. In July, 1984, the prosecution dropped the case for lack of evidence. The two foreign priests left the Philippines soon after.

Major political parties and groupings in the Philippines have members and leaders from different religions. Government service is open to all on a non-discriminatory basis, and several senior civil and military officials belong to minority religious groups.

Throughout 1984, the hierarchy of the Philippine Catholic Church, including Jaime Cardinal Sin, the Roman Catholic Archbishop of Manila, continued to criticize the Government on various issues, including human rights issues. Pastoral letters critical of the administration were read from pulpits in Catholic churches throughout the Philippines. Many Catholic priests and nuns are actively involved in calling public attention to cases of human rights abuses.

Such criticism has at times evoked a negative reaction from high-level authorities, including the President, who claim that it violates the constitutional doctrine of separation of church and state. In late 1984, some ruling party assembly members spoke of legislation to refine further this doctrine, but as of early December no such proposed law had been introduced in the Assembly.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There is freedom to change one's place of residence and employment. Emigration is generally permitted, but former detainees on "temporary release" status need Government permission to leave the country, as do persons with pending criminal (including national security related) cases.

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Approximately 35,000 Filipinos emigrated to the United States in 1984, and many more travel to the United States and elsewhere as temporary visitors each year. Emigration to other countries, among them Canada and Australia, is also substantial and is generally allowed without restriction by the Philippine Government. Many Filipinos are employed as overseas workers, particularly in the Middle East. Foreign travel for this purpose is encouraged by the Government. There is a substantial ($80) travel tax, a revenue-generating measure which does not appear to impede those who wish to depart.

A 1980 presidential decree provides that persons convicted of subversion, rebellion, or sedition shall forfeit their rights as citizens, whether such acts are committed inside or outside the country. The decree also provides that judgments may be rendered in absentia. No instance of enforcement of this decree is known.

At the end of the year, there were 1,988 Indochinese in first asylum camps in the Philippines. In addition to providing first asylum to "boat people," the Government, in cooperation with the United Nations High Commissioner for Refugees, operates a major refugee processing center where refugees from camps in the Philippines and other Southeast Asian countries receive English language instruction, cultural orientation, and vocational training before being resettled elsewhere.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

President Ferdinand Marcos, Chief Executive since 1965, wields preeminent power under the country's 1973 Constitution, which provides for a strong president in a presidential-parliamentary system. The President is elected by direct popular vote. President Marcos is serving a six-year term to which he was elected in 1981. Of 200 National Assembly seats, 183 are elected on a provincial basis, with the number of assemblymen from each province assigned on a basis proportionate to population. The remaining 17 assembly seats are, under the Constitution, subject to presidential appointment. As of December, the President had filled three of the 17 appointive seats in the newly elected Assembly that convened in July.

Local government officials, including provincial governors and town mayors, are elected by popular vote. Elections for these posts are scheduled for early 1986.

The President appoints the prime minister and all other major government officials, including judges, at all levels.

There is a mandatory retirement age of 70 for members of the judiciary. Virtually all present members of the nation's judiciary are appointees of President Marcos. Presidential appointments, both to judicial and non-judicial posts, are not subject to confirmation by the Assembly.

The President has a veto which may be overridden by a vote of two-thirds of the Assembly, and also has the constitutional power to dissolve the Assembly. His dissolution power may not be used, however, within 18 months preceeding a regularly scheduled Assembly election, 18 months following a regular election, or while impeachment proceedings are pending against the President. The President also possesses certain extraordinary decree-making powers. While described in the Constitution as being subject to exercise by the chief executive only in emergency situations or in instances where the National Assembly is unable to act promptly, these powers have, in practice, been frequently used by the President to legislate widely.

In combination with his authority under the 1973 Constitution, the President uses his control of the ruling KBL party to dominate the political arena. Within the ruling party, issues are often discussed in caucus, and accommodation on key issues is reflected in the President's final decisions.

National Assembly elections for all 183 elective seats were held on May 14, 1984, under a special election law, passed to govern the 1984 elections only. Several reforms were contained in this law and accompanying presidential decrees, among them the elimination of "bloc" or straight party ticket voting (generally felt to favor the ruling party); a provision for the Commission on Elections (the constitutional body having jurisdiction over all election matters) to appoint a "citizens' arm" as an independent watchdog group to have access to the polls on election day and to have authority to receive poll tally results; a new, nationwide voter registration, to cleanse old registration rolls of deceased or fraudulently registered voters; and a ban during the election season on arrests under warrantless presidential detention actions for election-related offenses. In addition, the Constitution was amended by plebiscite in January 1984 to allow elections to be based on provincial rather than regional constituencies, a measure long sought by the political opposition, and one felt to favor opposition candidates. The plebiscite also won approval for a constitutional amendment prospectively restoring the office of vice president (abolished during martial law) and establishing a more well-defined mechanism for presidential succession.

There was active participation in the assembly elections by virtually all sectors of society including women and ethnic minorities. In addition, a vigorous and outspoken election boycott movement gained a nationwide following during the election season. Boycott organizers staged public rallies and meetings in the weeks and months preceding the elections, urging citizens to refrain from any participation in the electoral process.

A nationally organized civic group, the National Citizens' Movement for Free Elections (NAMFREL), was accredited in 1984 by the Commission on Elections as the Commission's official citizens' arm. NAMFREL received substantial support from the business community, several church groups, students, workers, professionals, and ordinary citizens. Its organizers successfully lobbied the National Assembly for reforms in the election law, and actively solicited and obtained 300,000 volunteers on a nationwide basis to assist its poll watching and vote count monitoring effort. Under the auspices of its "operation quick count," NAMFREL conducted its own canvass of a majority of electoral seats in the country, and published its own results and projections, often well in advance of the announcement of official results by the Commission on Elections.

As a result of the May elections, members of various opposition parties and independents now hold about one-third of the elected seats in the Assembly, as contrasted to the preceeding assembly, which had fewer than 10 active opposition members when its term ended in June 1984.

In the national capital region--Metro Manila--15 of 21 seats were won by opposition members. In the provinces, several prominent ruling party candidates were defeated at the polls.

Generally speaking, the Assembly elections were regarded by most Filipinos and foreign observers as an overall success. Nevertheless, in some areas the elections were marred by violence, vote buying, and charges and countercharges, by various participants, of improprieties and irregularities. In some provinces, the NPA enforced a boycott by threats of violence, and interfered in the electoral process by stealing ballot boxes. Election results for several seats are widely believed to have been fraudulently manipulated to favor ruling party candidates.

The ruling party, by force of numbers, still wields preeminent power in the legislature. However, in the new Assembly, with an active opposition, there has been substantially more debate and airing of opposing views than was the case in the preceding Assembly.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Philippines is a signatory to all principal U.N. human rights and refugee conventions and is currently a member of the U.N. Human Rights Commission. Representatives of the International Committee of the Red Cross(ICRC) and the Lawyers Committee For International Human Rights visited the Philippines in 1984 and traveled throughout the country, meeting both Philippine government officials and private citizens involved in human rights matters. The ICRC also visited the Philippine detention facilities.

The New York-based Committee to Protect Journalists, together with the American Committee for Human Rights and the Newspaper Guild, sent a fact-finding mission to the Philippines in 1984, and had meetings with government officials, political figures and journalists. The committee subsequently issued a report critical of the Marcos Government's treatment of the press. A fact-finding visit was also made by the International Commission of Jurists, which issued a report highly critical of the human rights situation.

Several Catholic and Protestant church groups are active in the human rights field. Task Force Detainees(TFD) of the Philippines was established in 1974 by the Association of Major Religious Superiors of the Catholic Church. Headquartered in Manila and with regional field offices, it investigates human rights abuses and publishes reports on its findings. TFD operates with relative freedom, although a few of its members have been arrested on charges of subversion and rebellion. It is an outspoken critic of the Marcos Government and its human rights practices.

The Integrated Bar of the Philippines, a national organization to which all practicing lawyers must belong, has an active human rights committee which has investigated alleged abuses and issued reports. Some local chapters carry out their own investigations and have talked with military commanders about improving the human rights situation. The Free Legal Assistance Group and the Movement of Attorneys for Brotherhood, Inegrity and Nationalism, Inc. also assist detainees in preparing defenses against charges brought against them.

The Ministry of National Defense has a special committee for investigating reported human rights violations involving military personnel. The committee's influence has been limited, but its investigations have on occasion led to legal proceedings against servicemen for abusive behavior.

The Amnesty International 1984 Report expressed concern that the pattern of serious human rights violations established in earlier years showed no sign of improving. It stated that it had received frequent reports of torture and ill-treatment of detainees (often while undergoing interrogation in incommunicado detention), "disappearances," and extrajudicial executions. It believed that the Government continued to be reluctant to investigate these practices and to punish those responsible. Freedom House's 1984-85 report listed the Philippines as "partly free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The Philippines, with a population of 55.5 million (mid-1984), is a predominately agricultural country ranking in the middle range of developing countries.

The economy was seriously affected by the recent worldwide recession, and by domestic mismanagement, including the development of agricultural monopolies. This led to a financial crisis in the last quarter of 1983, precipitated by substantial capital flight and reduced credit availability following the Aquino assassination. In 1984, per capita gross national product (GNP) was estimated at $616, a decline of 5.5 percent. With much of the population under the age of 15 and a population growth rate of at least 2.3 percent (1984), the Philippines can expect a continued high rate of population growth in coming years. As a result of rapid expansion of the money supply in late 1983 and mid-1984 and devaluations of the peso in 1984, the inflation rate for 1984 was expected to be over 50 percent.

In recent years the Government has increased emphasis on rural development with programs aimed at increasing production of foodgrains, meat, poultry, and fish. The thrust of these programs has been dulled by excessive intervention in pricing and marketing, resulting in reduced incentives for agricultural producers. The Philippines has for several years been marginally self-sufficient in rice, the staple food, but some rice was imported in 1984 because of drought in 1983. Land reform in rice and corn holdings has contributed to security of tenure or lowered rents for a substantial portion of the rural population, but significant land tenure problems still exist in several areas of the country. At present, agriculture provides employment for slightly over half the workforce, and generates about one-quarter of the GNP. The Government is promoting export-oriented industries and agrobusiness to spur economic growth, increase foreign exchange earnings, and provide employment. Traditionally, the Philippines has depended heavily on coconut products and other commodity exports that are subject to international price fluctuations. The Government has also facilitated overseas employment for Filipinos, with the largest number concentrated in the Middle East.

Poverty in both rural and urban areas is still a serious problem. Housing, health care, and diet are inadequate for many Filipinos, and problems in the cities have been compounded by substantial migration from the countryside. Government self-sufficiency and livelihood programs have sought to invigorate both large and small-scale enterprises, but these programs have been hampered by budget stringencies, mismanagement, and shifting priorities.

Life expectancy at birth in 1984 was 64.8 years. Infant mortality in 1984 was 53.7 per 1,000 live births. The Philippine organization Business for Social Progress estimated in 1984 that 30-40 percent of the population had access to safe drinking water, with 20-30 percent of residents in highly urbanized areas drawing their daily water needs from unsafe sources. In 1980, 41 percent of Filipinos in rural areas lived below a government-defined absolute poverty level, with 32 percent below that level in urban areas.

Free education in the primary grades is available to all Filipinos. However, recent government data indicate that of the children who begin primary school only about 70 percent complete it. The adult literacy rate approaches 90 percent.

Women play prominent roles in Philippine society, and are represented in large numbers in business and in professions such as law, medicine, education, and journalism. They are also active in politics, being well represented in both national and local governments and within the opposition. There are two women members of the Cabinet and 10 in the current National Assembly, and numerous posts within the judicial and executive branches of government are held by women. Imelda Marcos, wife of the President, holds the office of Minister of Human Settlements, and is said to exercise considerable influence within the highest reaches of government. Women also occupy posts in local government as governors and mayors. The Mayor of Quezon City, the seat of the national government, is a woman, as was the chairman of the government fact-finding board which investigated the assassination of Aquino. Women enjoy full voting privileges and have the right to own and inherit property.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: PHILIPPINES

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 107.1 | 102.8 | 106.3 |
| LOANS.............. | 25.6 | 24.3 | 23.1 |
| GRANTS............. | 81.5 | 78.5 | 83.2 |
| A.AID ................ | 89.4 | 86.8 | 84.3 |
| LOANS.............. | 25.6 | 24.3 | 23.1 |
| GRANTS............. | 63.8 | 62.5 | 61.2 |
| (SEC.SUPP.ASSIST.)... | 50.0 | 50.0 | 50.0 |
| B.FOOD FOR PEACE....... | 12.6 | 10.7 | 17.1 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 12.6 | 10.7 | 17.1 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 12.6 | 10.7 | 17.1 |
| E.RELIEF.EC.DEV & WFP. | 1.6 | 1.2 | 0.1 |
| VOL.RELIEF AGENCY..... | 11.0 | 9.5 | 17.0 |
| C.OTHER ECON. ASSIST... | 5.1 | 5.3 | 4.9 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 5.1 | 5.3 | 4.9 |
| PEACE CORPS...... | 5.1 | 5.3 | 4.9 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 51.2 | 51.4 | 51.5 |
| LOANS.............. | 50.0 | 50.0 | 50.0 |
| GRANTS............. | 1.2 | 1.4 | 1.5 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 50.0 | 50.0 | 50.0 |
| C.INTL MIL.ED.TRNG.... | 1.2 | 1.4 | 1.5 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 158.3 | 154.2 | 157.8 |
| LOANS.............. | 75.6 | 74.3 | 73.1 |
| GRANTS............. | 82.7 | 79.9 | 84.7 |
| OTHER US LOANS.......... | 8.4 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 8.4 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 693.9 | 757.3 | 521.0 | 6432.4 |
| IBRD | 452.9 | 502.7 | 183.2 | 4054.8 |
| IFC | 21.0 | 5.6 | 0.0 | 170.0 |
| IDA | 0.0 | 0.0 | 0.0 | 122.2 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 213.8 | 235.2 | 337.8 | 1974.3 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 6.2 | 3.0 | 0.0 | 65.6 |
| OTHER-UN | 0.0 | 10.8 | 0.0 | 45.5 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

# SINGAPORE

Singapore has a parliamentary system under which the People's Action Party (PAP) headed by Prime Minister Lee Kuan Yew has held power since independence in 1965. The PAP continues to hold virtually all seats in Parliament. Public criticism of the Government although circumspect, has become noticeably more vocal and direct during 1984. Nevertheless, the Government enjoys broad public support and received 62.9 percent of the popular vote in the last general election held in December 1984. The civil service is efficient, and corruption is officially and actively discouraged.

Singapore's multiracial society enjoys racial and religious harmony and freedom of worship. Singapore was subject to acts of terrorism by members of the Communist Party of Malaya (CPM) through 1974. While there have been no terrorist incidents in recent years, the CPM considers Singapore within its sphere of operation. Government military and security agencies work to control and, if possible, to eliminate the threat of internal disturbances. They act within what most Singaporeans consider to be an appropriate legal framework.

## RESPECT FOR HUMAN RIGHTS

## Section 1 Respect for the Integrity of the Person, Including Freedom from:

### a. Political Killing

There were no known instances of politically-motivated killings in 1984.

### b. Disappearance

There is no evidence that people were abducted, secretly arrested, or held in clandestine detention by official or quasi-official security forces, other elements of the Government, or opposition forces in 1984.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is prohibited by law under Sections 330 and 331 of the Penal Code. Individual instances of mistreatment by law enforcement personnel have been alleged by former detainees and by Amnesty International. The Government acknowledges that its interrogation procedures employ psychological stress, as reported by previous detainees, but denies allegations of abuse or torture.

Prison conditions in Singapore are spartan. Singapore's eight prisons confine 3,000 prisoners while the eight drug rehabilitation centers hold about 4,000 persons. Political detainees are separated from other prisoners. Since 1981 the Government has stepped up efforts to rehabilitate prisoners serving sentences of one year or more. The prison welfare services program currently concentrates on young offenders between 16 and 21 years old and on adult first-time offenders. The Government plans to extend the program to include habitual offenders and drug abusers.

In 1984 the Government amended the Penal Code by mandating minimum prison sentences varying from six months to eight years and caning from six to twelve strokes for certain crimes including outrage of modesty, rape, theft, extortion, robbery, housebreaking and vehicle theft. A small group of attorneys in the Law Society of Singapore questioned whether the new regulations would be effective in fighting crime, but a majority of Singaporeans seems to support the changes. The Singapore Government renounced its adherence to International Labor Organization (ILO) Convention 105 in 1979 after the ILO rejected Singapore's description of work performed by criminal offenders as vocational rehabilitation rather than punitive labor.

### d. Arbitrary Arrest, Detention, or Exile

Law enforcement authorities in Singapore follow established legal procedures for arrest or detention. Incommunicado detention does not occur. Arrest without a warrant and detention without charge for periods of one to 30 days are authorized under some specific provisions of the law. The Ministry of Home Affairs can issue an order under the Internal Security Act (ISA), a British measure used by Singapore extensively during the 1965-1974 post-independence period when Communist-led disturbances and communal violence were widespread, or the Criminal Law (Temporary Provisions) Act to authorize a longer period of detention of a "suspected person". The Director of the Central Narcotics Bureau can commit suspected drug users whose urinalysis proves positive to a six month term in a drug rehabilitation center. Habeas corpus exists in the law, but in ISA cases the Government can extend detention indefinitely. In others, such as those involving the Criminal Law (Temporary Provisions) Act, which is used primarily to detain drug traffickers and members of secret societies, the Government can detain people for periods of up to one year. In 1984, Parliament amended the Penal Code to increase the amount of time police can detain a suspect involved in common criminal activity from 24 to 48 hours. People who are detained are arrested openly. There is a functioning system of bail, and detainees are entitled to legal counsel.

The Misuse of Drugs Act allows Central Narcotics Bureau officers and customs officials to arrest without warrant any person suspected of manufacturing, importing, exporting, possessing, consuming or trafficking in controlled drugs. Such persons actually arrested are tried in court. A few individuals have maintained that they were not drug users and were improperly detained but, thus far, have failed to substantiate their allegations in court. The Government has maintained that adequate safeguards exist to prevent innocent persons being detained.

The Government stated in 1983 that it released eight ISA detainees and still held only one person in detention under the act. In September 1984 the Government said it held about 1,300 persons in indefinite detention under the Criminal Law (Temporary Provisions) Act, primarily for membership in Chinese triads (mafia-like secret societies) or for drug trafficking offenses.

### e. Denial of Fair Public Trial

The right to a public trial is observed except for persons detained under the provisions of the ISA and the Criminal Law (Temporary Provisions) Act. The Government defends its policy of detention without trial in these cases on the ground that an open trial could result in the intimidation or death of witnesses and officials.

## SINGAPORE

The Criminal Procedures Code provides that a charge against a defendant must be read and explained to him as soon as it is framed by the magistrate. The accused has the right to be defended by an attorney (advocate). Individuals are tried by a magistrate or judge and do not have the right to trial by jury. Defendants may appeal their verdicts in most cases to higher courts. From there they may appeal to the judicial committee of the Privy Council in London, since Singapore is a member of the British Commonwealth.

Judges are appointed by the President on the recommendation of the Prime Minister and the Cabinet. Four of the seven High Court judges hold what amount to contract appointments, most frequently for one year. Subordinate Court judges (magistrate) and public prosecutors are civil servants and can be transferred by the Ministry of Law.

Citizens can take government agencies to court over such matters as compulsory land acquisitions and compensation. The Government has not lost a case involving a challenge to its major policies. Members of opposition political parties have been taken to court frequently, as have members of the PAP, including government ministers.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government acts arbitrarily through use of its wide discretionary powers when it believes that the security of the nation is threatened. Search warrants are obtained for intrusion into the home in most cases. However, law enforcement officers may search a person, home or property without a warrant if they have have reasonable grounds to believe that it is necessary to do so. In most cases, the law does not require later judicial review of such action.

Divisions of the Government's law enforcement agencies, including the Internal Security Division (ISD) and the Corrupt Practices Investigation Board (CPIB), have a wide network for gathering information. The Government does not prohibit the use of indigenous languages, restrict the number of children, require membership in a political organization or otherwise exceed norms in intruding into citizens' private lives. The Government conducts campaigns to increase labor productivity, to encourage the speaking of Mandarin Chinese rather than local dialects, and to achieve a multitude of other government objectives.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Freedom of speech and press is circumscribed. The Government forbids statements which might arouse communal tensions among the various races in Singapore (approximately 77 percent Chinese, 15 percent Malay, 6 percent Indian, and 2 percent other minorities).

Newspapers operate as independent companies but under close governmental supervision. The Government required the reorganization and merger of Chinese language newspapers in 1983, stating that such mergers were needed for the newspaper to remain viable. In 1984 the boards of directors of the companies which publish Singapore's major newspapers announced their intention to merge into one holding company. The move, which was approved by the Government, could reduce the level of press competition. The merger plan was devised ostensibly to avoid the expense and waste of an anticipated circulation war.

There is no direct censorship of the press. However, press officials understand the restraints and guidelines within which they must operate. They did not significantly exceed these guidelines in 1984. In the past, editors and reporters have been taken to task for articles which criticize the Government too strongly. Some press representatives believe that they may lose their jobs if they criticize too severely. However, the press reports the opposition's view and has frequently published statements critical of the government proposals and policies.

The government-owned Singapore Broadcasting Corporation (SBC) has a monopoly on domestic radio and television. SBC follows government guidelines on its news reporting and obeys censorship regulations on the programs which it broadcasts. The BBC World Service and Malaysian radio and television can be also received in Singapore on local broadcast bands.

An official Board of Film Censors approves motion pictures, television and videotapes. Additional Government bodies censor magazines, records, plays, and other media. The Government censors these items primarily to prevent the spread of materials which they feel will undermine the morals of young Singaporeans, advocate excessive permissiveness, or promote drug abuse. A wide range of international magazines and newspapers can be purchased uncensored in Singapore. The country is a regional publishing center for a growing number of international magazines and newspapers.

### b. Freedom of Peaceful Assembly and Association

Assemblies of more than five people in a public place, including political rallies, are legally allowed only with permission from the police. In practice, the Government does not stop gatherings of groups of more than five people for social purposes.

In order to operate legally in Singapore, associations, societies, clubs, churches and other organizations with more than ten members must be registered with the Government. Registration is denied to societies with triad rituals, those likely to be used for unlawful purposes or for purposes prejudicial to public peace, welfare or good order and trust whose registration would be contrary to the national interest. In the past, arrests have been made at gatherings of unregistered organizations, including some splinter religious groups which the Government viewed as inimical to the public interest.

Unions are legally allowed in Singapore. However, 1983 amendments to the Trades Union Act curtailed workers' rights to form or continue unions, in some circumstances, or to strike. Unions are organized under an Umbrella organization, the National Trades Union Congress (NTUC), which has a Cabinet Minister as its Secretary General and Members of Parliament on the Board of Directors. The NTUC has about 198,000 members in a national work force of about 1.2 million. In 1984 the NTUC intensified its campaign to encourage the formation of house unions. The campaign encountered some resistance, however, from more traditional minded unionists who viewed the effort as an attempt by the Government to co-opt the union movement. Some of the objecting unionists were removed from their union positions, and their protests have not had a significant impact on the NTUC's house union drive. Although workers have the legal right to strike, there have been no strikes in Singapore for over six years.

### c. Freedom of Religion

Freedom of religion is enshrined in the Constitution and in practice. A Presidential Council on Minority Rights exists to insure that legislation does not infringe on the rights of ethnic or religious minorities. There is no state religion, but the Government has provided financial assistance to some religious bodies to allow them to build and maintain places of worship. Missionaries are permitted to work and to publish religious texts in Singapore.

All religious groups are subject to Government scrutiny and must be legally registered. The Government restricts religious sects with views it considers inimical to the common good by application of the Societies Act and has banned some splinter groups in the past from practicing their faiths in Singapore. No religious bodies were asked to leave the country in 1984.

### d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

There are no limitations on freedom of movement within the country other than those under the ISA. The ISA allows the Minister for Home Affairs to suspend or revoke a detention order or impose restrictions on a person's activities, place of residence and travel outside of Singapore. All Singapore residents over the age of 13 are required to register with the Government, receive and carry an identification card and report changes of address within 14 days. An individual may be denied a passport at the Government's discretion, although in practice this applies only to persons convicted of serious crimes. Males approaching the age of 18 (when national service is generally performed) must obtain an exit permit from the Ministry of Defense. Recipients of government-financed educational benefits, who are required to sign a bond obligation to serve the Government for a fixed period, cannot emigrate without paying the balance of their bond.

The right of voluntary repatriation is extended to holders of Singaporean passports. However, several hundred ethnic Chinese who left Singapore for China during the politically difficult 1950's and 1960's have encountered obstacles to their return.

Refugees are granted first asylum for 90 days in Singapore only if they have a third country guarantee of resettlement. Between 1979 and September 1984 a total of 24,956 Indochinese refugees had been brought into Singapore in asylum status.

## SINGAPORE

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Government refers to Singapore as a "socialist democracy," although private enterprise is a major feature of life in the Republic. Seventy-seven of 79 members of the unicameral Parliament elected December 22 are members of the People's Action Party (PAP), headed by Prime Minister Lee Kuan Yew. The Secretary General of the Worker's Party was the sole opposition member of Parliament during 1984. No PAP-sponsored bills failed in Parliament during 1984. The opposition member did not introduce any bills during the year.

Non-Communist parties are legally free to organize, and there are approximately 20 registered political parties in Singapore. These parties are closely monitored by the Government, which justifies its actions on the grounds that prohibited Communists might participate in elections and candidates might make libelous statements. Opposition parties attribute their repeated electoral losses to historical and institutional factors which inhibit their full participation in the political process. The successful prosecution of libel and defamation suits against opposition parties and candidates by members of the PAP bankrupted three opposition politicians from the Barisan Sosialis Party in the mid-1970's. Individuals who are undischarged bankrupts or who are sentenced to at least one year in jail or fined 2,000 Singapore dollars or more are legally barred from political activities and membership in Parliament. Singapore's lone opposition MP and his party chairman were convicted in 1984 of campaign fund irregularities, but were acquitted of similar, though more serious charges.

Minorities are constitutionally guaranteed equal rights and actively participate in the political process.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

There are no organizations in Singapore which actively and openly monitor human rights violations. Governmental bodies, such as the Minority Rights Council, monitor certain aspects of human rights in Singapore for domestic purposes. Representatives of Amnesty International and other human rights groups are not allowed to visit Singapore in an official capacity. Amnesty International in its 1984 Report expressed concern about the powers of preventive detention exercised by the Government under the ISA. Freedom House 1983-84 report lists Singapore as "partly free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Singapore is an urban city-state with a strong and prosperous free enterprise economy. Private ownership of property is a basic feature of Singapore's economy, although the Government has, and exercises, almost unlimited right to acquire land at 1973 prices for extensive development projects. Singapore's population in 1984 stood at 2.53 million, with a growth rate of 1.2 percent. The success of the country's population control program is based on wide-ranging disincentives to having more than two children, including educational, tax and medical benefits measures. In 1984, the Government announced a number of financial and educational incentives to encourage women with university degrees to have more than two children. The Government justified the new incentives by stating that educated women are more likely to have intelligent offspring. The infant mortality rate was 10.3 per 1,000 live births in 1984. Life expectancy at birth in 1983 was 69 years for males and 74 years for females.

The standard of living is high and has been rising steadily, with a gross domestic product growth rate of 7.9 percent in 1983. Per capita GNP was approximately $6,526.

In 1984 about 77 percent of the population was housed in well-designed, government-subsidized housing. The entire population has access to safe drinking water.

Education is not compulsory, but free primary education is provided for children of all Singapore citizens. Secondary and tertiary education is of high quality and provided at modest cost. The enrollment ratio for students aged 6-17 years was 83.9 percent in 1982. The literacy rate rose to 85 percent in 1983.

Women generally enjoy equal rights, primarily under the 1969 Women's Charter and the Constitution. Muslim women's rights are protected by the provisions of the 1957 Administration of Muslim law, which permits Muslim women to apply for divorce and provides for women to hold and dispose of property. Women have voting rights and the right of equality of economic opportunity under the law.

There are few women in the top ranks of the civil service or business. As a result of the December election, however, there are now three PAP female members of Parliament. In 1983, the median gross monthly income of female workers was 64 percent of that for male workers. A serious shortage of workers has led the Government to encourage women to work. Singaporean women do not have equal rights with men in the transmission of citizenship to their children. A Singaporean woman married to a foreigner will not pass citizenship to children born outside the country, although a Singaporean man can do so. Additionally, the wife of a Singaporean male can receive permanent resident status and citizenship based on the marriage while the husband of a Singaporean woman cannot.

Social, economic and cultural facilities are available to all citizens regardless of race, religion or sex. Disparities exist among the various races, although not as a result of government policies. For example, according to 1980 census data, 0.21 percent of Malays had a university education, while 1.8 percent of the Chinese and 2.44 percent of the Indians attained that level of education.

Singapore had 11 government and 12 private hospitals in 1984. The quality of health care is very high in both private and government facilities, and the former are subsidized heavily by the Government.

## U.S.~~OVERSEAS~~ -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
## (U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: SINGAPORE

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.AID ................. | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.0 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.1 | 0.1 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.1 | 0.1 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.1 | 0.1 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 0.0 | 0.1 | 0.1 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.1 | 0.1 |
| OTHER US LOANS.......... | 0.0 | 272.9 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 272.9 | 0.0 |
| ALL OTHER............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 1.3 | 0.7 | 0.0 | 386.5 |
| IBRD | 0.0 | 0.0 | 0.0 | 179.4 |
| IFC | 0.0 | 0.0 | 0.0 | 0.0 |
| IDA | 0.0 | 0.0 | 0.0 | 0.0 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 181.1 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 1.3 | 0.7 | 0.0 | 25.4 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 0.6 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## SOLOMON ISLANDS

One of three neighboring small Pacific island states, Solomon Islands ranks third in size after Papua New Guinea and Fiji. The parliamentary government which was adopted upon receiving independence from Great Britain in 1978, consists of a single-chamber legislative assembly of 38 members. The Government accords both with the country's colonial experience and with the Melanesian tradition of leadership based upon individual prestige and the ability to form a consensus. Political legitimacy, thus, rests on free popular voting. The police and armed forces are under civilian control; the courts are independent and vigorously protect individual rights. Since independence, two parliamentary elections have been held and one additional change of government was accomplished by vote of Parliament.

Solomon Islands is a developing country composed of six large islands and numerous small ones stretching over 840 miles in the southern Pacific Ocean. Agricultural exports and external aid are its primary sources of income. The Government recognizes the need for private enterprise for economic development. Its conservative fiscal and monetary policies support a healthy business climate. Exports in the first half of 1984 exceeded imports by about $9 million, reflecting an improvement in prices for the country's main exports of timber, fish, copra, and palm oil.

Human rights in Solomon Islands are rigorously protected. No abuses were reported in 1984. Despite some traditional inertia, women's rights are improving and, although no woman has yet been elected to a national seat, women are involved in politics and have run for national office.

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

Political killing does not occur.

#### b. Disappearance

There are no reports of political disappearance.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is neither practiced nor condoned. All the basic protections of the integrity of the individual are guaranteed by the Constitution of Solomon Islands, implemented by the authorities, and defended by the courts and public opinion. Prisoners have recourse to the courts and the Ombudsman for protection against possible excessive or unlawful treatment.

#### d. Arbitrary Arrest, Detention, or Exile

There are no politically motivated arrests. Exile is not practiced.

#### e. Denial of Fair Public Trial

Accused persons are entitled to counsel. Provision is made for writs of habeas corpus under the law and coerced statements are illegal. Civil rights violations are punishable by fines and jail sentences.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The traditional culture which governs the daily lives of most Solomon Islanders provides strong protection against these types of abuses.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Constitutional guarantees, an independent press, and a functioning democratic political system combine to insure domestic freedoms of speech and press. There are two private weekly newspapers, a monthly national government newsletter, and one provincial government weekly. State-owned radio gives significant coverage to statements of opposition politicians. The foreign press has not fared as well. In May 1984, some foreign reporters who had obtained the required clearances weeks in advance were denied permission to cover the Pope's visit. Only the press traveling with the official entourage was allowed into Solomon Islands. In October, two Australian journalists, visiting the capital to cover elections, were denied accreditation, but eventually allowed to remain.

### b. Freedom of Peaceful Assembly and Association

The right of association is constitutionally guaranteed and freely exercised. Demonstrators, however, must obtain a permit which is usually granted. A recent exception was denial of a permit to demonstrate before the Pope during his visit in May 1984. Unions in the private sector have the right to strike. The largest trade union, the Solomon Islands National Union of Workers, and other smaller unions freely organize workers. The plantation sector is not widely unionized. Solomon Islands' unions have international ties with several organizations.

### c. Freedom of Religion

Freedom of religion is guaranteed by law; there are no controls on the practice of religion and no religious discrimination. Christianity is the dominant religion with a wide variety of denominations, and indigenous beliefs also flourish. Missionaries work without restrictions.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no legal or administrative restrictions on freedom of movement of Solomon Islands citizens within or in and out of the country. Natural-born citizens may not be deprived of citizenship on any grounds.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Since independence, Solomon Islands has had two parliamentary elections and several elections for provincial and local councils. The second of the two parliamentary elections, held in November 1984, resulted in the orderly replacement of former Prime Minister Mamaloni by Sir Peter Kenilorea, who, in secret balloting by the Parliament, received 21 out of a possible 37 votes. Elections were well contested and were managed by an elections commission; the independent courts and press assured that they were fair. Citizens over 18 enjoy universal suffrage. Parliament has the power to form governments.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

There have been no allegations by outside organizations of human rights violations in the Solomon Islands nor any request for investigations. The 1984 Amnesty International Report has no entry for Solomon Islands. Freedom House's 1984-85 report lists it as "free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The Solomon Islands' economy depends heavily for its prosperity on international prices of its manufactured imports and its agricultural exports. Although depressed commodity prices brought economic growth to a standstill in 1980-82, high world prices for Solomon Islands' exports in 1984 precipitated a strong recovery that pushed per capita gross national product up 5.8 percent to $657 in 1982, according to World Bank statistics.

The population of Solomon Islands in 1984 was 263,000 and was growing at 3.7 percent per year. The infant mortality rate has declined to 40.5 per 1,000 live births (World Bank). There is an adequate supply of food. World Bank statistics published in 1984 indicate that 38 percent of the rural population and nearly all urban dwellers, or 58 percent of the entire population, has access to safe water. Health, education, and other social services are rudimentary but available on a nondiscriminatory basis. According to government statistics, the adult literacy rate in 1984 was estimated at 60 percent; the enrollment rate of primary school-age children was 75 percent.

Women have equal legal rights, but traditional culture has hampered their moving into leadership roles. There are no women in senior governmental positions or in Parliament. Girls constitute 42 percent of primary school enrollment and 30 percent of secondary school enrollment.

## THAILAND

Thailand's government is a constitutional monarchy with a strong executive branch and a considerably weaker bicameral legislature composed of a 324-member elected Lower House and a 243-member appointed Senate. The military plays a strong and often dominant role in Thai political life. The Prime Minister and members of his cabinet are subject to parliamentary confirmation and votes of confidence, although they themselves need not be popularly elected. Upon completion of the National Assembly's constitutionally mandated four-year term in the spring of 1983, free national elections were held and the current Prime Minister, General (retired) Prem Tinsulanon, who has held office since February 1980, formed a four-party coalition government supported by roughly two-thirds of the Lower House. Both under the absolute monarchy, which ended in 1932, and successor civilian and military regimes, Thailand has enjoyed self-government under an established bureaucracy and laws from which the majority of those governed did not dissent.

Thailand is an emerging middle-income developing country with a free enterprise economic system in which individual economic interests and the right to hold private property are strongly protected. Thailand is one of the world's few net food exporters, and its industrial sector, after rapid expansion in recent years, now rivals agriculture in contributing to the gross domestic product. The country has maintained an annual real growth rate in the seven percent range for the past two decades, has cut its yearly birth rate to 1.6 percent, and continues to expand its economic infrastructure and social services. Problems and inequities remain, however, notably in the broad income disparities between urban and rural areas, and in chronic underemployment, particularly in the poorer rural areas. The Government recognizes the seriousness of these problems and has sought to address them with policy and resource allocation measures within generally conservative fiscal policies which preclude heavy deficit spending. Of particular importance is the national drive to eliminate health disparities among regions and between the urban and rural sectors. Continued attention is being paid to population control with the aim of generally improving the lot of the urban poor and women.

Thailand's security apparatus operates within a constitutionally mandated framework, but numerous police, civilian and military agencies share responsibility, often with overlapping jurisdictions and ill-defined powers. Human rights abuses attributable to the security services have been infrequent in recent years. Human rights groups have continued to note improved government control over paramilitary forces used to fight Communist insurgency, particularly in border areas.

Communist insurgents, Muslim separatists, and Mafia-type criminal gangs operate in rural areas and use terrorism to advance their respective aims. Communist strength has declined markedly in recent years due to several factors, including internal party strife, loss of external support, and government programs that emphasize political means to counter subversion. These include an amnesty program for defectors and financial assistance to help reintegrate them into Thai society. The Government is also continuing efforts to assist

Thailand's Muslim community. Sporadic violence at a low level in Southern Thailand in 1984 continued to call attention to Muslim separatist activities in provinces along the Malaysian border.

Thailand continued throughout 1984 to offer sanctuary and assistance to Indochinese refugees. Over 600,000 have been given asylum in Thailand since 1975. Approximately 127,000 remained in camps in Thai territory by mid-1984, in addition to almost 250,000 displaced Khmer living in self-administered camps along the Thai-Cambodian border.

During 1984, the human rights climate continued the improvement of the past several years. With the elimination of most of the serious abuses that arose during the repressive Thanin regime of 1976-77, the areas of progress have tended to be more focused on individual cases or specific laws. Political gatherings and associations are allowed, and freedom from arbitrary detention or search is generally safeguarded, notwithstanding some rarely enforced restrictive laws still on the books. Human rights activists in Thailand are able to bring issues to the attention of the public and lobby for corrective action, such as revision of the country's controversial Anti-Communist Activities Act.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

There were no 1984 reports of killings, including summary executions, in which government involvement was alleged. In rural areas, Communist insurgents and ethnic separatists have continued to use violence, including murder, to pursue their respective objectives. Their targets have included low-level government officials, local entrepreneurs, and security officials. The Government has both the will and the ability to prevent or punish any killings that might be perpetrated by forces under its control.

In past years, the local press has noted the large number of journalists killed in rural areas for a variety of reasons other than political. The killings diminished sharply in 1983 and 1984. Local human rights activists regard the situation as distinctly improved, but would like the Government to examine further the circumstances surrounding some 1982 deaths. The human rights aspect of this problem is difficult to assess. Some of the murdered journalists had published exposes of corruption or illegal activity. At the same time, however, some Thai journalists have in fact only a nominal attachment to the journalistic profession, and often become involved in extortion, blackmail, and similar activities which can lead their victims to use murder as a means of retaliation.

#### b. Disappearance

Local human rights groups have alleged the existence of police department death squads whose mandate included eliminating habitual criminals in rural areas. Allegations that such death squads may have been responsible for the disappearance of 43 community leaders, politicians and journalists in recent years remain unsubstantiated. It is likely that the Government would do whatever possible to prevent such disappearances.

Communist insurgents and Muslim separatists have used terrorism as a political weapon resulting in the disappearance of civilians and government officials.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Allegations of torture have been made in the past by the Coordinating Group for Religion in Society (CGRS), a Thai human rights group, and by others. However, torture is not used as an instrument of government policy and allegations of its use have not been substantiated.

The Thai Government has stated its opposition to the use of cruel, inhuman, or degrading punishment. The CGRS, in its periodic reports, cites alleged cases of brutality and mistreatment by police and military personnel, but with less frequency than in the past. One 1984 case involving the severe beating of two suspects resulted in the dismissal of five police officers. According to human rights activists in Thailand, abuses, real or alleged, of authority relating to cruel and inhuman punishment or treatment, and arbitrary arrest and imprisonment have declined steadily over the last several years.

Prison conditions in Thailand are poor as a consequence of serious overcrowding, low government expenditures, limited staff, corruption, and use of harmful drugs by prisoners. Prisoners are subject to strict regulations including corporal punishment for infractions. Between seventy to eighty thousand prisoners are currently occupying cells designed to hold slightly less than half that number. Prison conditions vary with the prisoner's social status as well as the nature of the offense. In rural areas there are persistent allegations that detainees who have not been formally charged are used as unpaid or underpaid labor. Overall, however, there is no systematic discrimination save that Westerners generally receive preferential treatment. The 1982 United States-Thailand prisoner exchange agreement has not yet come into force.

### d. Arbitrary Arrest, Detention, or Exile

Thailand's criminal and civil codes follow Western European models, and the rights of suspects are similar to those in Western Europe. Except in cases of crimes in progress, arrest warrants are generally required, and specific charges must be brought against those detained within a limited time period.

A small number of Communist insurgents and Muslim separatists have been detained without trial under martial law provisions. Otherwise, the only legal basis for arrest and detention without specific charges for long periods (up to 480 days) is the Anti-Communist Activities Act. These powers are infrequently used, and fewer than one hundred persons are being detained under this act. Of these, twenty-two were arrested in Bangkok in mid-1984. The remainder are concentrated in Southern Thailand, where insurgents are most numerous. According to local human rights groups, these detainees have not been mistreated.

Martial law powers allowing arbitrary arrest and imprisonment were significantly reduced by the repeal of martial law Order No. 22 in 1979. The geographic area remaining under martial law was sharply reduced in 1984 when the Prem government lifted its application in 29 provinces, including Bangkok.

There were allegations that Communists had been clandestinely imprisoned in rural areas, but there have been no new allegations in the last two years. Summary exile is not practiced. A few politically active Thai have elected to go abroad and remain there.

### e. Denial of Fair Public Trial

The Constitution guarantees Thai citizens the presumption of innocence and access to courts or administrative bodies to seek redress. Suspects can be denied the right to legal counsel during the pretrial or investigative period of their case, but before trial can have access to a lawyer of their own choosing. In recent cases with political overtones, such as the arrests of persons suspected of violating the Anti-Communist Activities Act, the Government moved quickly to allow rapid access by legal counsel and visitors during the pretrial period of the case. There is a functioning bail system.

A number of amendments to the criminal code to improve rights of defendants are under active consideration. One amendment, adopted in October, 1984 contains specific provisions that mandate confidential legal counsel for suspects. Proposals that remain under consideration would guarantee counsel during the investigative phase, access by visitors during this period, and the right to contest extensions of the pretrial period of detention.

The Thai have an evidentiary legal system although not a jury process. Cases are heard on the basis of specific--usually well-documented--charges by a panel of judges. Military courts have jurisdiction over cases involving internal and external national security, Thai relations with other nations, and offenses against the Royal Family and public peace.

Persons tried in both the military and civilian courts enjoy a broad range of legal rights including the right to counsel of their choice both in the trial and appeal stages. A military court verdict cannot be appealed, although a civilian court decision can be appealed to a higher court. Both court systems, however, allow for a Royal pardon. Moreover, prisoners sometimes benefit from a Royal amnesty which takes the form of commutation or abrogation of sentences. The courts are independent of external pressures. There have been allegations, however, of both governmental and non-governmental influence being brought to bear on cases, usually those involving narcotics.

There is no evidence of persons having been imprisoned solely for political beliefs in 1984.

## THAILAND

Thai human rights activists have expressed concern for approximately 100 prisoners who were sentenced to jail without due process during the period 1975-78. Under laws in force at that time they were given summary justice without a trial or access to counsel. A case-by-case review of those cases is continuing and so far has resulted in release of approximately half of these prisoners.

A pilot government program to provide free legal advice to the poor is now in operation. Most free legal aid, however, comes from private organizations including the Lawyers' Association and the Women's Lawyers' Association.

The court and investigatory apparatus in the Bangkok area have been overtaxed in recent years. As a consequence, the time required for criminal trials has at times exceeded three years in the court of first instance. Defendants acquitted after such lengthy trials receive no compensation.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Thai society is generally an open one where membership in political organizations is voluntary, where the police function is not abused for security purposes, and where the unmonitored exchange of ideas is permitted. Thai law requires that police possess a search warrant prior to entering a home without the owner's consent. Depending on the nature of the offense, these warrants are issued either by the public prosecutor, the courts, commissioned police officers, district and military officers, or governors. There have been allegations that officers endorse warrants in advance and then allow their subordinate, non-commissioned officials, to apply them as needed. Sections of the Anti-Communist Activities Act allow officials involved in specifically designated "communist suppression operations" to conduct searches without warrants, but these powers have been used sparingly.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The Constitution generally affirms the citizens' right to free speech and a free press, but there are laws which impose restrictions on those rights. The principal legal restrictions on these freedoms are statutory prohibitions against insulting or defaming the Monarchy (lese majeste), advocating a Communist system of government, or publishing materials which threaten national security. Publications deemed to violate Thailand's lese majeste laws are confiscated, while individuals thought to have violated these laws are subject to prosecution.

In 1984 the question of lese majeste was brought to the forefront of public attention by the arrest of an internationally known writer and social critic and two of his associates. Charges against the three were dismissed shortly after the prosecution made its initial presentation. The cases against three other less well-known persons who were arrested in 1984 are still pending.

In practice, Thai citizens enjoy substantial freedom of speech, and the Government permits criticism of its policies. International publications circulate freely in Thailand, as does a wide range of political/social commentary presented by the privately owned Thai press. Technical publications and pamphlets, including those of academics, circulate freely, and present viewpoints ranging from the non-Communist left to the ultra right. Foreign and domestic books are not censored, except in rare instances where publications are critical of the Royal Family, or Thailand's monarchical institution.

Television stations are government owned, but present a range of viewpoints. The Government regulates television coverage of international news, requiring that news received via satellite be prescreened. Radio stations, both private and government ones, present a variety of viewpoints including some critical of the Government.

The press continues to operate under the restrictions imposed by the press law of 1941 and remnants of past martial law orders. These laws permit the Government to close newspapers and revoke the licenses of editors of newspapers which publish stories deemed to be libelous or contrary to national security interests. Existing regulatory guidelines are now being reexamined, and various alternative statutes are now under parliamentary and/or ministerial study.

In the meantime, the Government's relations with the domestic media remain generally good. The Government now infrequently uses its statutory power over the press, although awareness of this power contributes to self-censorship which is a restraint on local press activities. In 1984, only one national publication was closed. It reopened under a new masthead within a month. As in the similar case which occurred in 1983, the authorities judged a number of its articles to be inaccurate and detrimental to the public order and hence contrary to national security interests. The journalistic community did not regard its closure as portending a general lessening of press freedoms.

### b. Freedom of Peaceful Assembly and Association

A martial law order intermittently enforced since the 1950s, remains nominally in effect in areas where martial law has not been lifted. It prohibits political gatherings of five or more persons, and requires prior police permission for use of sound amplification devices at rallies. Since 1979, however, organized labor, politicians, and various special interest groups, including those critical of the Government, have held sizable rallies without significant interference from the authorities. During 1983's national elections, politicians routinely attracted tens of thousands to campaign rallies and no charges of police harassment or interference in the campaign process were raised. In 1984, a series of meetings attended by from 300 to 3,000 persons was held to express concern at and protest over the arrest of 22 persons suspected of violating the Anti-Communist Activities Act.

Private associations are permitted, but they must register with the Ministry of Interior. That ministry has in some instances not registered a group, but then has permitted the group to function.

During the past several years, the Government has maintained a moderate policy toward organized labor. It has generally not restricted the development of the labor movement or labor's participation in political activities. Nonetheless, less than

10 percent of the labor force in non-agrarian occupations is unionized. Thailand's largest labor congress attempted to play an active role in Thai politics and its leaders helped found a political party designed to promote labor interests through electoral politics. It met with little success at the ballot box and the union leaders subsequently decided to concentrate more on economic issues while distancing the union movement from day-to-day political infighting. Unions in the private sector as well as some state enterprises have the right to strike if negotiations conducted in accordance with Thai labor laws fail to resolve the dispute. In practice, the Government has rarely acted against strikers, even when they ignored the cumbersome negotiating procedures required under labor law. Workers are represented on the government wage committee, the national labor advisory board, and on the labor courts which arbitrate labor disputes and grievances. Unions freely exercise the right to maintain relations with international organizations that promote the interests of labor.

### c. Freedom of Religion

Freedom of religion is practiced throughout Thailand, and is protected by law and custom of long standing. Theravada Buddhism, the de facto state religion, has had an abiding and profound influence on Thai culture and history and a large preponderance of Thai practice it. The King is required by the Constitution to profess the Buddhist faith and practice Buddhism. Nonetheless, Thailand is a secular society. State and church are clearly separate. There are no restrictions on religious ceremonies, the teaching of religion, or conversion from one religion to another. Missionaries are permitted to live and proselytize in Thailand as has been the case for more than a century. Foreign clergy may preach freely. There is no discrimination against or persecution of those affiliated with minority religions, such as Christianity or Islam. Religious publishing, regardless of faith, is freely allowed. Like private associations, religious institutions are registered by the Government. There are, however, no reports or allegations of a religious organization being denied registration. There is no decisive advantage to being Buddhist in Thailand, though most senior Thai officials and political leaders are at least nominally Buddhist. Muslims living in the four southern provinces which have a majority Muslim populations have the right to have civil law cases decided by Muslim judges under Koranic law. Efforts are being made to preserve Muslim cultural and religious traditions, including the building of mosques with government funds.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Apart from long-standing restrictions on the travel of Chinese and Vietnamese aliens living in Thailand, including those who have lived in Thailand for a generation, the only limitations on travel are restrictions on entry into certain rural areas believed by the Government to be used as bases by Communist insurgents. The right of citizens to change their residence or workplace is unabridged. There are no government restrictions on foreign travel or emigration, except for government officials, but Thai women and children under 14 must have their passport applications approved by the Department of Public Welfare. This provision of law is designed to prevent the export of children for sale and women for purposes of prostitution. The Government has rarely revoked citizenship.

Since 1975, about 617,000 persons from Vietnam, Laos and Cambodia have fled to Thailand for refuge. Thai policy has been to provide assistance to them until such time as they can be repatriated or resettled in third countries, to afford first asylum to Lao arriving by land and Vietnamese boat refugees, and to promote voluntary repatriation along with resettlement, particularly of the Khmer and Lao, who comprise 95 percent of Thailand's refugee population. The current refugee population on Thai territory is about 127,000. In addition, about 50,000 Vietnamese who arrived before 1954 remain in Thailand, along with about 10,000 Chinese who were Kuomintang supporters and an equal number of Karen hill tribe refugees from Burma.

With few exceptions, the Thai Government has not given asylum to new arrivals from Cambodia since early 1980, but it permits about 250,000 Cambodians to live in camps along the border, an increase of about 23,000 since January, 1984. Thailand has assisted international voluntary agencies to provide food and medical care to Khmer in camps along the border. The Thai Government permitted more than 83,000 of these displaced Khmer to move temporarily into Thailand in the wake of attacks by forces of Vietnam and the Heng Samrin regime in Cambodia in early 1984. By October, only about 28,000 had been able to return to the border. Since early 1980, small groups of Khmer caught trying to move illegally from border camps into refugee camps inside Thailand have been returned by Thai authorities to the border region. Some Khmer have volunteered to leave the refugee camps for the border, but such movements have all but ended as a result of Vietnamese attacks on border encampments.

Vietnamese coming overland via Cambodia after April 1981 have had to remain at the border for lengthy periods until they were permitted to transit Thailand for third country resettlement. About 3,700 overland Vietnamese refugees are currently on the border.

The United Nations High Commissioner for Refugees (UNHCR) and the major resettlement countries have supported the Thai policy of promoting voluntary repatriation. About 2,500 Lao have returned to their homeland under UNHCR supervision following successful bilateral Thai-Lao repatriation negotiations in September 1980. UNHCR negotiations with the Heng Samrin regime concerning the repatriation of Khmer refugees remain stalled. The Government of Vietnam has been unwilling to discuss repatriation of Vietnamese refugees in Thailand. In any case, the majority of Indochinese refugees are not presently willing to return home.

Since 1979, nearly 65,000 Vietnamese refugees have arrived in Thailand after perilous journeys, often in small, unseaworthy boats, across international waters. Although the number of arrivals in 1984 was estimated to be only a small fraction of that of previous years (about 5 percent of the cumulative 1979-83 arrivals), refugees continue to suffer the results of pirate attacks, rough seas, equipment breakdowns, and navigational problems which cause sickness, starvation, and death.

## THAILAND

As its contribution in connection with this regional problem of criminal attacks against Vietnamese boat people, the Royal Thai Government, with financial and technical assistance from the UNHCR and twelve donor nations, conducts sea, air, and land patrols, and law-enforcement activities designed to deter, detect, and punish crimes against these refugees. The Thai authorities apply the same asylum, relief, and resettlement policies to boat refugees as to all others.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Thai Government traditionally has been a stable civilian bureaucracy heavily influenced by the military and often with a military officer as Prime Minister. The traditional method of changing governments has been nearly bloodless military coups d'etat. Holding key military positions in the immediate Bangkok area has been the most common avenue to national leadership. The governmental changes of 1973 and 1976, which occasioned violence in Bangkok, were exceptions to this pattern. There has been some evolution away from the tradition since 1978, with constitutional processes, including free elections, assuming a larger role. However, the military dominates the Senate and governmental decisions which the military strongly disapproves are generally not taken. Civilians hold all posts in the current Government, and Prime Minister Prem is supported by parties holding two thirds of the seats in the National Assembly as a result of the 1983 national election. The election itself was an open and free one which saw four major and a dozen minor parties field candidates.

As provided in the 1978 Constitution, the largest non-government party became the formal opposition. Both it and the smaller opposition parties have regularly presented opposing views both within the National Assembly and through the mass media. The Thai National Assembly almost invariably has split votes on legislation and on procedural decisions. Special interest groups, including the Confederation for Democracy, a loose coalition of progressives including human rights activists, have lobbied openly for changes in the Constitution to increase public participation in the governing process.

The overwhelming majority of adult Thai, both men and women, have the right to vote. Thai children of an alien father who wish to vote must, however, have lived in Thailand for ten years and completed the equivalent of a sixth grade education. Women vote in numbers equal to men and participate fully in the political process. However, women are underrepresented in national politics and in high governmental positions.

The Government encourages voter turnout but does not use either direct or indirect pressure to compel voters to cast ballots. Actual voter turnout for both national and local elections generally exceeds fifty percent.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

In 1984 the Government did not have any specific inquiries from international human rights organizations, however, in past years, it has responded to specific inquiries from Amnesty International and the International Commission of Jurists. The Government is generally willing to discuss human rights problems with both domestic and international human rights organizations. It permits human rights organizations of all kinds to visit Thailand, meet with appropriate government officials and lobby for corrective action.

Local civil rights groups, active on a wide range of issues including prostitution and enforcement of labor laws, have generally devoted most of their efforts to identifying and correcting human rights violations. Thai human rights organizations have had significant success in recent years, furthering the progress that Thailand has made in democracy since the repressive Thanin era (1976-77). They have, for example, successfully encouraged the Government to tighten the discipline of police and paramilitary forces fighting the Communist insurgencies. Prominent individual members of these human rights groups have lobbied for constitutional changes to further popular participation in politics and to enhance the rights of the accused. The Lawyer's Association of Thailand has played a leading and effective role in opposing the martial law restrictions on civil liberties which remain in effect in approximately half of the country. Both the CGRS and the Union for Civil Liberty have been especially active in drawing attention to abuses of authority by rural officials; CGRS and the Justice and Peace Commission seek in particular to make the rural population aware of their legal rights. The Federation of Journalists of Thailand has sought to have the remaining legal restrictions on the press lifted.

In 1984, as in 1983, the Government did not harass individual human rights activists nor obstruct the investigations conducted by domestic groups interested in human rights. These groups have had the opportunity to examine fully areas of abuse, to publish periodic reports on their findings, and to take their cases to the press or the courts. When government officials have been suspected of violating human rights, these groups have made specific accusations and demanded government action. They have also reported on the judicial status of cases involving government officials accused of wrongdoing. In the past year, neither the national police system, operating under the Ministry of Interior, nor the Internal Security Operations Command (ISOC) which directs anti-insurgency operations in rural areas, have been accused of interference with human rights efforts.

Thailand has involved itself directly in international human rights efforts, but generally not taken initiatives on that subject in United Nations forums. It has, however, taken a leading role in preparing ASEAN (Association of Southeast Asian Nations) resolutions on Cambodia, including human rights violations, which are considered annually by the U.N. Thai representatives were among the founding members of the Regional Council on Human Rights in Asia, a forum for the exchange of human rights information established in February 1982. Thai members of the Asian Council helped draft a declaration on human rights to serve as the organization's statement of policy and goals. The 1984 meeting of the Council took place in Bangkok amidst clear signals from the Government that it was well disposed toward the group's activities. The Amnesty International 1984 Report expressed concern about legislation outlawing criticism of the Royal

Family being used to prosecute government opponents, and the trial of civilians for political offenses in military courts employing judicial procedures falling short of internationally accepted standards. Freedom House's 1984-85 report lists Thailand as "partly free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The Thai economy has performed well in the face of a sluggish international economic environment. Real economic growth was estimated to have been 5.8 percent in 1983. The inflation rate was 3.5 percent. Per capita GNP was $790 in 1982. Agricultural exports were down in 1983 because of poor harvests in 1982-83; this caused a large trade imbalance in 1983. Government efforts in 1984 to reduce imports, and thus right the balance, slowed the pace of economic growth during the first six months of the year. The industrial sector, on the other hand, maintained an acceptable growth rate and in 1983 accounted for about 21 percent of gross domestic product, rivaling agriculture as the leading sector of the economy. Industry, however, remains concentrated in the Bangkok metropolitan area. Efforts to induce industrial growth and hence better jobs in the countryside have been largely unsuccessful. Income disparities among regions and occupational groups are increasing. Between 1976 and 1980, per capita real income in Bangkok grew at an annual rate of 6.0 percent while that of the rest of the Kingdom grew at the rate of only 2.7 percent.

The right to own property, alone as well as in association with others, is protected under Thai law. In practice, large government-owned corporations in areas such as cement and road transportation, as well as oligopolistic industries such as distilling and brewing, place some limits on the private sector's ability to compete in all areas of the Thai economy.

The delivery of health care services is 80 percent vested in the private sector. According to the latest available statistics (1975), Bangkok had one doctor per 1,549 people while the ratio nationwide was one to 8,366. The Government has tried to encourage doctors to practice upcountry by requiring newly-licensed doctors to practice in government-operated provincial hospitals for two to three years before entering private practice. In spite of this imbalance in doctor to patient ratio, the overall level of health has improved steadily. Life expectancy has increased from 50.8 years in 1960 to 57.1 in 1970 and 63.7 in 1984. Family planning services are now widespread and well accepted. The yearly population growth rate for Thailand's 51.7 million inhabitants has declined from higher than 3 percent in the 1960s to 1.9 percent in 1984. As a result of government efforts, the general health of women and young children, especially in rural areas, has improved significantly.

Thailand is one of the world's five major grain-exporting countries. There is almost no evidence of caloric intake deprivation. Poor nutritional habits, however, often the result of ignorance, affect a small but significant percentage of the population.

The literacy rate is about 86 percent. In 1970, the national adult illiteracy rate was 21.4 percent (12.8 percent male, 29.7 percent female). In urban areas, the figure was 12.3

percent versus 22.9 percent in rural areas. Education is available to all Thai citizens, but certain classes of aliens, in particular Vietnamese long-resident in rural Thailand, are not permitted to move freely, and thus generally have no access to higher educational facilities. The primary school enrollment ratio was 82 percent in 1979. The Government's goal is universal education through the fourth grade.

The status and role of women has continued to progress at a moderate but noticeable pace over the past several years. For the most part, women have equal legal rights in Thailand, with specific guarantees of property and divorce rights; and there are no allegations that these rights are denied. Women are not, however, permitted to participate fully in Buddhist religious institutions or to become monks. They are well represented in the labor force, and are becoming increasingly well represented in professional positions, particularly those in the commercial sector. In general, women are not legally barred from positions traditionally held by men. Thailand does, however, have limitations on women serving in the armed forces. In rural areas, sex stereotypes exist with respect to occupational and social roles. These barriers are being modified as mass communications bring modern role models to even the most remote communities. In 1980, a group called the Friends of Women was founded to advance the cause of women's rights in Thailand. Their efforts are aided by other groups such as the CGRS which follows certains issues such as exploitation of women as prostitutes.

Hill tribes and other ethnic minorities are not legally excluded from any of the benefits of society, but their isolation and poor land has kept their living standards lower. While language and cultural barriers disadvantage the ethnic Malay Muslim minority in south Thailand, there is no official policy of discrimination. To promote higher education for the Muslim minority, the Government has reserved a certain number of university seats exclusively for Muslim students and has committed extensive personnel and financial resources to improving education of Muslim youth to make them more able to compete in the country's economic life. Attention has also been given to the improvement of administration and development in the South. To help coordinate efforts to assist Thailand's Muslim community, the Government established in 1983 a national foundation for Muslim affairs staffed with representatives from various government agencies.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
## (U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: THAILAND

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL | 36.4 | 28.7 | 41.9 |
| LOANS | 17.7 | 7.0 | 18.1 |
| GRANTS | 18.7 | 21.7 | 23.8 |
| A.AID | 31.2 | 22.6 | 35.9 |
| LOANS | 17.7 | 7.0 | 18.1 |
| GRANTS | 13.5 | 15.6 | 17.8 |
| (SEC.SUPP.ASSIST.) | 5.0 | 5.8 | 9.1 |
| B.FOOD FOR PEACE | 0.0 | 0.0 | 0.0 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 0.0 | 0.0 | 0.0 |
| TITLE I-TOTAL | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL | 0.0 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST | 5.2 | 6.1 | 6.0 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 5.2 | 6.1 | 6.0 |
| PEACE CORPS | 2.3 | 2.7 | 3.0 |
| NARCOTICS | 2.9 | 3.4 | 3.0 |
| OTHER | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL | 80.7 | 96.2 | 101.2 |
| LOANS | 74.7 | 76.0 | 94.0 |
| GRANTS | 6.0 | 20.2 | 7.2 |
| A.MAP GRANTS | 4.5 | 18.5 | 5.0 |
| B.CREDIT FINANCING | 74.7 | 76.0 | 94.0 |
| C.INTL MIL.ED.TRNG | 1.5 | 1.7 | 2.2 |
| D.TRAN-EXCESS STOCK | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL | 117.1 | 124.9 | 143.1 |
| LOANS | 92.4 | 83.0 | 112.1 |
| GRANTS | 24.7 | 41.9 | 31.0 |
| OTHER US LOANS | 24.4 | 0.0 | 0.0 |
| EX-IM BANK LOANS | 24.4 | 0.0 | 0.0 |
| ALL OTHER | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL | 874.1 | 671.1 | 288.8 | 5300.5 |
| IBRD | 634.1 | 393.1 | 152.6 | 3469.5 |
| IFC | 0.0 | 62.8 | 57.7 | 231.7 |
| IDA | 0.0 | 0.0 | 0.0 | 125.1 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 222.4 | 210.6 | 75.0 | 1355.7 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 2.9 | 4.6 | 0.0 | 69.2 |
| OTHER-UN | 14.7 | 0.0 | 3.5 | 49.3 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

# VANUATU

The Republic of Vanuatu, governed under a single-chamber parliamentary system, became independent in 1980 following more than 70 years of joint British-French rule when it was known as the New Hebrides. Independence was accompanied by temporary political turbulence, including an attempt at secession, which left a legacy of suspicion of outside interference. Political legitimacy in Vanuatu is based on majority rule, supported by both Melanesian and Western tradition. Elections are vigorously contested and fair; the courts are independent and solicitous of individual rights; and the police and military are under civilian control.

The Vanuatu economy resembles that of other Pacific island states in its dependence on international prices. Tourism earns more foreign exchange than all exports combined. Vanuatu has gained some revenue as a tax haven, although returns from ship and corporation registration are small. Until recently, attempts to attract foreign investment have been hampered by uncertainty over land rights; however, a new land law was enacted in 1983 and leases are being signed.

The first general election since independence, held in November 1983, was vigorously contested and democratically conducted. Most of the strains from the 1980 secessionist rebellion have subsided.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

Due process is strictly observed. Neither the Government nor any organized group has recourse to political violence.

#### b. Disappearance

There have been no reports of politically motivated disappearances.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Constitutional guarantees against torture and cruel, inhuman, or degrading treatment are complied with in practice and enforced by the courts. Prisoners also have recourse to an Ombudsman.

#### d. Arbitrary Arrest, Detention, or Exile

There are no politically motivated arrests in Vanuatu. Arrest is by warrant. There is no exile. Suspects have free access to a lawyer of their choice. The constitutional guarantee that suspects will be informed of charges and given a speedy hearing before a judge is observed.

#### e. Denial of Fair Public Trial

The courts uphold constitutional provisions for a fair public trial, presumption of innocence until proof of guilt, prohibition against double jeopardy, and the right of habeas corpus and appeal to the Supreme Court.

The courts are independent of military or executive interference. There were no reports in 1984 of arbitrary or unfair exercise of judicial authority.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Sanctity of the home and family and privacy of correspondence are observed.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Freedom of expression is guaranteed by the Constitution. The Government, however, publishes and controls the country's only national newspaper and manages the national radio station. There is no independent television or commercial radio.

### b. Freedom of Peaceful Assembly and Association

There are no restrictions on the formation of political parties or trade unions in Vanuatu. There are two main political parties and a relatively new smaller party. Vanuatu has a small but active trade union movement with the right to organize, strike, and bargain collectively. As of 1984, there were 21 registered trade unions and six employer associations. In February 1984, a labor council, called the Vanuatu Trade Union, was formed with help from the International Labor Organization and became a member of the Pacific Trade Union Council.

### c. Freedom of Religion

Freedom of religion is protected by law and respected in practice. Missionaries of various Christian denominations work without restriction.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

All Vanuatu citizens are free to travel domestically and abroad. There are no bars to returning home from abroad.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Vanuatu is a multiparty democracy. Numerous candidates competed in the parliamentary elections in 1983; both the campaign and voting were considered by outside observers to have been fair. Elections to provincial and local councils have also been contested and fair.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Government has publicly expressed willingness to permit investigation by qualified and objective outside observers.

## VANUATU

There have been no charges of human rights violations in the past year. The 1984 Amnesty International Report does not contain an entry for Vanuatu. Freedom House's 1984-85 report lists it as "partly free," noting that the only "critical" newspaper was closed down by the Government in 1983.

### ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Buoyed by tourism, which has expanded steadily since independence, the Vanuatu economy weathered the recent international recession with few problems. Per capita GNP was $801 in 1982 according to World Bank data. Gross domestic product rose an estimated 2 percent in 1982. Vanuatu's balance of payments for 1984 is expected to be positive. The rate of inflation was less than 4 percent. Communal land ownership by clans is thought to inhibit economic development, but a system of land leasing has been implemented in an attempt to ameliorate this difficulty.

Government services are provided without discrimination. Education is heavily dependent on British and French aid, and on church schools. The population was estimated to be 130,000 in 1984 and to have grown at a declining average rate of 2.7 percent (World Bank). The infant mortality rate is 34 per 1,000 live births. The calorie supply was about 87 percent of requirements in 1977. According to 1979 government statistics, 37.3 percent of the population is literate. Women have equal legal rights, but traditional culture has hampered their moving into leadership roles. The only female candidate for the National Parliament in 1983 was defeated by a small margin. Several women hold senior positions in the government bureaucracy.

## VIETNAM

The Socialist Republic of Vietnam is a dictatorship ruled by the Vietnamese Communist Party, the sole arbiter of power. The Communist Party took power in the North, as the Vietnamese Workers Party, after a long war of independence from France, culminating in the Geneva Conference of 1954 which partitioned the country. The current elderly leadership is essentially the group which prosecuted the anti-colonial struggle and subsequently launched the armed effort to gain control of the southern Republic of Vietnam in the early 1960's. This ended with the invasion of the South in 1975 and formal unification of the country the next year, in spite of the southern Communists' pretensions to independence.

Vietnam's determination to dominate the other former French Indo-Chinese colonies of Laos and Cambodia was a factor leading to the invasion of Cambodia in December 1978. The Vietnamese deposed the oppressive Khmer Rouge regime, but the invasion led to continued major violations of the Khmer people's human rights as a result of Vietnamese occupation and their installation of a puppet government. The resulting lack of Khmer self-determination is a major long-term human rights issue in Cambodia. Violations of human rights by the so-called People's Republic of Kampuchea have included executions, forced labor, denial of legal process, forced relocations, and arbitrary arrest. Vietnam continues to control virtually all the policies and actions of the regime in Phnom Penh, and thus must bear heavy responsibility for these violations.

Vietnam's invasion and continuing occupation of Cambodia diverted resources from reconstruction in Vietnam. At the same time, Vietnam's dispute with China, resulting partly from its Cambodian adventure, forces Vietnam to maintain a large army on its northern border. It also maintains significant forces in Laos in order to keep the Lao Government, which it dominates, in power. These policies have left Vietnam with the third largest army in the world and one of the lowest per capita national incomes.

Its siege mentality, impulse to "manifest destiny," and Communist ideology have led to a heavy emphasis in Vietnamese life on the military and internal security apparatus. The military is over one million strong, while the public security organization is pervasive in its surveillance and control of the citizenry.

Vietnam is a poor, underdeveloped, agricultural country faced with the problem of feeding a large population (59 million), with many of its most talented people having fled overseas. At the same time, it is attempting to impose a Soviet-style, Marxist-Leninist political and economic system on a populace in the South with a different value system and of questionable loyalty to the current regime. Vietnam's industrial plant is small and its debt burden high. The general standard of living for most citizens is barely above subsistence level, although Vietnam has claimed that it is now able to meet minimum food requirements. Food is rationed or high-priced on the free market. Hanoi has formally denied "civil rights" as well as working papers and ration coupons to many of its citizens deemed politically unacceptable; many "reeducation camp" returnees and others without official jobs are forced to live precariously in an underground economy, as the only other option left to them is moving to undesirable "new economic zones." Many in the South depend for their survival on aid from relatives abroad.

The Vietnamese citizen today is subject to arrest either for past association with the former government in the South or for espousing political ideas contrary to those of the regime. He has the obligation to vote, but all candidates are selected by the party. Despite legally guaranteed freedom of religion, many religious leaders have been imprisoned on political charges. The press is completely controlled by the regime.

There was little change in the human rights situation in Vietnam during 1984, with no amelioration of economic, social or political conditions. An increasing number of people did leave Vietnam legally and safely via the Orderly Departure Program and there was a related decrease in people risking their lives to leave Vietnam by boat or overland. On the negative side, the Government has continued the trend noticed in 1983 of closely watching, and repressing, religious groups and others suspected of anti-government activities and recent trials suggest an increasingly stringent public security posture.

The forecast for human rights in Vietnam remains bleak, as the regime has evinced no perception of the concept of individual rights. Improvement in the economy is likely to be slow and is unlikely to be accompanied by liberalization in human rights, given Vietnam's commitment to create a Marxist-Leninist state. Ongoing discussions between the United States and Vietnam over the possible release of those in Vietnamese "reeducation camps," and their subsequent emigration for resettlement in the United States offer one potentially positive development, if the Vietnamese are prepared to negotiate seriously and an agreement can be reached. These camps have been a serious blot on Vietnam's human rights record.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

### a. Political Killing

The Vietnamese Government acknowledges that some individuals whom it considered "war criminals" were executed in the wake of the 1975 takeover. There are reports that many more persons were detained in rural areas in mid-1975 and never heard from again. Former inmates of "reeducation camps" have reported summary executions for escape attempts and resistance to camp authorities. Attacks by minority and ethnic Vietnamese resistance groups, which still exist, against Vietnamese government authority usually target army units, but they sometimes attack public security or government administrative officials. Although accurate figures are not available, the number of deaths caused by these activities appears to be small.

### b. Disappearance

Refugees arriving in Thailand in 1984 have reported incidents in which people dressed in civilian clothing have abducted people from their houses in the night. The fate of those who disappeared was unknown. However, the refugees believed that if those abducted had been sent to prison or "reeducation camps," they would subsequently have been heard from. The refugees report that police ascribed these activities to criminal elements, but the refugees believe that the abductions were committed by public security organizations. Although figures are unavailable, one refugee who left Vietnam in August 1984 reported that three such instances occurred in the district in Ho Chi Minh City (Saigon) in which he lived during 1984. There have been no reports of disappearances or hostage-taking by forces resisting the Vietnamese authorities.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Reports from refugees are consistent concerning the severity of the conditions for prisoners in the "reeducation camps." In these camps, provision of food rations below subsistence levels, denial of medical care, and assignment of hard labor to political prisoners and prisoners of conscience have been regularly practiced. Prisoners are punished severely, for example, by several months' solitary confinement for minor infractions of camp rules. These practices can result in acute suffering, permanent physical impairment and death. The prisoners have indeterminate sentences and face the prospect of indefinite penal labor. In addition to common criminals, these camps contain former officials and military officers of the Republic of Vietnam, many of them aged, and people arrested for political reasons since the Communist takeover in 1975. Included are chaplains and clergy from both Buddhist and Christian groups, intellectuals and former political leaders. It has been reported by people imprisoned for attempting to flee from Vietnam that beatings during interrogation have resulted in death. Reportedly, no medical care is available. A former inmate in a prison for people who have attempted to leave Vietnam illegally has reported that prisoners who resist guards' orders have been executed.

### d. Arbitrary Arrest, Detention, or Exile

Suspects may be apprehended on a warrant, which may stipulate the nature of the crime and permit detention for two months prior to trial. An extension for a further two-months detention can be obtained upon application to higher authorities. There is no provision for bail, nor access to a defense lawyer prior to trial.

However, for major crimes or those of a political nature public security officials may apprehend and search suspects without a warrant. Such suspects may be held an indefinite period without any judicial process. For example, Hanoi recently reported the 1983 trial of one "spy" who had been held since mid-1978. Refugees report that the authorities sometimes wait several months before notifying relatives of arrests.

Those suspected of political crimes may be sent to "reeducation camps" without trial or charge. The Government continues to hold large numbers of people in the camps, including both those whom the Government distrusts because of their association with the former Republic of Vietnam, and those whose current political views are suspect. These camps remove dissident elements from society, particularly competent and/or charismatic leaders. The camps attempt to produce conformity through confinement, hard labor, self-criticism and a minimum amount of indoctrination. While several thousand prisoners have been released, including officers up to the rank of colonel (and a handful of generals, mostly from the medical services), some have been rearrested. Decisions on most releases appear arbitrary and often the result of bribery.

The Vietnamese Government officially maintains that the number of people associated with the former regime detained in the camps since 1975 is on the order of 10,000. Others incarcerated in the system include post-1975 dissidents, those caught trying to emigrate illegally, and common criminals.

Forced labor has been used by Vietnamese and local authorities in Cambodia for projects to improve the logistical infrastructure for Vietnamese occupation troops. This labor cannot be justified as a normal civic obligation or an emergency response to catastrophe.

### e. Denial of Fair Public Trial

Arbitrary detention without charge, trial or any form of legal proceedings under the guise of "reeducation" has subverted the rudimentary legal system which exists. Even for those who are given a trial, for the most part those charged with non-political crimes or specific prohibited political acts, the judicial process cannot be considered fair to the accused. A case brought to trial almost invariably leads to conviction.

Initially, a "people's committee," an administrative body, holds a preliminary hearing. Upon its recommendation, the case is brought before a local or high people's court, depending upon the severity of the sentence to which the accused is liable. The high court tries those accused of serious criminal or political crimes for which the sentence is greater than two, or in some locales five, years imprisonment or death. The court consists of a presiding judge, two or three people's judges, a prosecutor and a court-appointed defense counsel. The defense counsel ensures that the proper legal procedures are followed in accordance with the defendant's rights under the Constitution and explains the proceedings to the defendant. However, the defense counsel is not an advocate for the defendant in the Western sense. The trial is normally a formality at which the judges present their ruling on evidence which they have studied prior to the trial. Following the verdict of the judges, the defendant has 15 days to appeal the verdict to the National Assembly if the case has been tried by the high people's court. There is no appeal from local courts.

In general, the entire legal system operates as an agency for the enforcement of regime directives; it has no independence from political intervention.

In addition to those detained without trial in "reeducation camps", there are also a number of people who have been charged, tried and executed for conspiring to overthrow the government or for other political crimes. In December, 1984, 21 persons were put on trial for espionage. The appointed Vietnamese defense attorney at the trial was quoted during the proceedings as saying, "They violated the law and nobody can defend them because they are traitors." Several of those accused were found guilty and sentenced to death and nearly 100 more suspects are reported to be under arrest. There is no reliable estimate of the overall number of such political offenders in Vietnam. Vietnamese sources have told Western reporters that more trials are planned in 1985.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The system of population surveillance by party-appointed block wardens, who use informants to keep track of each individual's political and economic activities, has been extended from northern Vietnam to Ho Chi Minh City and other southern cities and rural areas. Recent reports indicate that the system now pervades rural hamlets. However, the system works imperfectly in the South, partly because of a shortage of trusted party workers. There have been reports of officials planting incriminating evidence during searches of residences. There have also been reports of officials and even unofficial security wardens conducting midnight searches of homes for draft-age males in order to fulfill draft quotas. No warrants were required. There continue to be reliable reports that the Ministry of the Interior inspects and sometimes confiscates international mail sent to Vietnam, particularly to politically suspect individuals or those of Chinese origin. Outgoing mail is also subject to inspection and censorship.

The regime has spoken openly of its program to relocate millions of people to "new economic zones" in virgin or unproductive rural areas in order to expand agricultural production and reduce "unproductive" urban populations. Hundreds of thousands were resettled in these remote zones in the years following the fall of South Vietnam. The resettlement process has involved forms of coercion in most cases. The program frequently targeted for resettlement those whose views and background made them politically suspect and often unable to find employment. Conditions in these zones are widely reported to range from poor to life-threatening with inadequate provision of basic services. Many of the relocated people have left the zones, returning to the cities where they are forced to live, on an already marginal economy, without the ration or neighborhood registration cards essential to procuring employment, food, and other essential services. Without these documents they can be arrested arbitrarily and returned to the "new economic zone."

The relocation program continues now, drawing mainly from the overpopulated rural areas of the North and central coastal plains. A January 6, 1984 article in the party daily Nhan Dan reported the Government's goal of relocating 50 percent more laborers in 1984 than the 95,000 relocated in 1983. An October 7, 1984 report on Hanoi domestic radio said that an additional 50,000 laborers, for a total of 180,000, would be relocated in 1984, thus enabling the state to complete labor redistribution for the five-year 1981-85 plan in only four years. The 1981-85 plan calls for the relocation of one million people. The Government has made more effort to prepare for the new settlers, but conditions remain rigorous. The official rationale for the massive dislocation of the people is increased economic production, particularly of cash crops such as coffee and rubber. Although the Government offers inducements and speaks of "volunteers" when discussing people resettled in these zones, it is clear that this resettlement arbitrarily interferes with the individual's right to live in a place of his own choosing. The resettlement often displaces tribal minorities, threatening their traditional customs and subsistence.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The right of freedom of speech and the press does not exist in Vietnam. The Ministry of Culture and Information and organs of the party control all newspapers, books, and other publications, as well as all cultural exhibitions. The Government controls and censors all public sources of information and promotes "revolutionary culture" in the arts. Many prominent artists and writers have been arrested. The import of books and periodicals is virtually prohibited, and although Western broadcasts are not jammed, citizens are subject to questioning if they are caught listening.

Independent criticism of the party and Government is not permitted. Self-censorship by journalists operates without question, given the pervasive control of the party.

The block surveillance system uses informants to monitor the activities of citizens. Public criticism of officials is not permitted, except in official news media when criticizing the laxity and/or corruption of some officials or groups of officials who do not meet party norms.

### b. Freedom of Peaceful Assembly and Association

Individuals are prohibited from meeting either publicly or privately to criticize or protest government actions or policies. Non-governmental organizations, such as church groups, can meet for narrowly defined objectives, such as church services, but not for other purposes.

In lieu of independent labor unions, government-controlled unions have been set up under the Vietnam Federation of Trade Unions, one of the organizations controlled by the Communist Party. Claiming three million members, the Federation's stated goal is to increase party control and production, rather than to improve the welfare of the worker or to protect their rights. Other "mass organizations," such as women's federations, exist in other sectors of the population. They perform the same functions of control, propaganda, and policy dissemination within their respective sectors as do the labor organizations among workers. These organizations have links with parallel Soviet and East European organizations.

### c. Freedom of Religion

The Government tolerates the existence of religious groups and allows religious services, but has consistently attempted to divide, control and reduce the Catholic, Buddhist, and Cao Dai churches, the Muslim community, and other religious groups. The Government perceives religious groups as potential hotbeds of subversion and political opposition. It has attempted to prevent their growth and inhibit proselytizing activities by prohibiting publication of religious materials by curtailing religious education, and by forbidding any gathering except for weekly services. The Government has attempted to coopt religious groups by promoting its own organizations with a view to supplanting those not totally under its control.

## VIETNAM

In 1984 the Government continued to apply pressure on the Catholic Church, partially as a way to intimidate Catholics. There were several reports of the arrest of Catholic clergymen, particularly in the Hue area. There are reportedly over 100 priests detained in "reeducation camps." Most former South Vietnamese military chaplains of all religions have remained in prison since 1975. Catholic priests and nuns are subject to police surveillance, and most are required by the authorities to work full-time in secular occupations, thus limiting their participation in religious activities. A former seminarian has reported that no priest has been ordained since 1980. Harassment of the clergy and their congregations occurs in other ways as well. For example, Catholics are required to register as such with the authorities, although Buddhists are not. Catholics are discriminated against in employment. "Voluntary" work and other required activities are scheduled by the authorities during times of regular church services. As a result of harassment, the size of Catholic congregations has shrunk steadily since 1975. One refugee reported that congregations in Ho Chi Minh City in 1984 were half the size of a year ago. Yet, the Church appears to have more successfully survived in the southern cities than in the countryside. The teaching role of the Catholic Church has been severely restricted, and many churches and all but one Catholic seminary in the South have been closed. Sermons require government approval and uncooperative priests are subject to confinement in remote villages or incarceration in "reeducation camps". In central Vietnam, thousands of Catholics have been forcibly relocated and forced to work on government construction projects. The Government has sharply curtailed the ordination of new Catholic priests and restricted communication between rural parishes and their bishops.

The Protestant churches have been similarly restricted. Those active in the highlands have all been closed, as was the sole Protestant college and theological seminary. There have been continued reports of harassment among those evangelical churches which have been allowed--albeit within narrow limits--to continue to hold services in urban areas. Parishioners may not attend services in other churches of their own sect but are restricted to their own parish. Authorities have reportedly forbidden at least one such group from meeting at all.

Most of the 30,000 Vietnamese Muslims are members of the Cham minority, which the regime mistrusts and harasses. The alliance of Cham with Khmer Krom (Cambodian residents of Vietnam) and hilltribes (Montagnards) created the only sizable resistance movement in Vietnam, The United Liberation Front of the Oppressed Races. In its repression of the Cham the Government has eliminated the position of mufti, or religious leader, within the Islamic communities, disbanded the organized Muslim association, and severed links with overseas Islamic organizations. The regime forbids the pilgrimage to Mecca and has not given permission for the Muslim community to participate in the Koran reading contest held annually in Malaysia. Many Muslim schools have been closed but most mosques remain open. Importation of the Koran is forbidden and the Koran printing house has been closed.

About 30 million people of Vietnam's population of 59 million are Buddhists, the great majority of them Mahayana. Vietnamese authorities have tried repeatedly since 1975 to suppress and intimidate the Mahayana Buddhist leadership. The authorities have closed temples and transformed them into public buildings. They have arrested monks intermittently since 1975 and hundreds remain in "reeducation camps." Several monks were reportedly arrested in 1984. Many monks remain under house arrest, and the travel of those not under detention is severely restricted. Government permission is required for monks to travel and stay overnight away from their home temples. Some reports allege that local authorities seek to control and restrict the community of Buddhist monks by forbidding the donation of food. The majority of pre-1975 monks in the South have been forced to leave the monkhood and few young men are allowed to join the community. Teaching of seminarians must often be conducted in secret and pagoda schools have been closed. Monks of the formerly politically active An Quang, Xa Loi, and Vinh Nghiem pagodas are kept under close government surveillance and are rarely allowed visitors.

The regime organized a conference in November 1981 to establish the Unified Vietnam Buddhist Church. Its charter provides that it is "the only Buddhist organization representing Vietnamese Buddhism in all other relations in the country and with other countries." Reports suggest that the new church has no appeal to most Buddhists who view it simply as a creature of the regime.

Most of Vietnam's Therevada Buddhists are Khmer Krom. This group numbers about 800,000 people living in southern and southwestern Vietnam, and has provided the Vietnamese army of occupation in Cambodia with interpreters and staff for its government in Cambodia. Nevertheless, the Khmer Krom continue to be distrusted by the Vietnamese, partly for historical reasons. A number of former Therevada leaders have been imprisoned.

Other religious groups have also been persecuted by the regime. The Hoa Hao (an anti-Communist Buddhist sect) strongly resisted the Communist takeover in 1975. As a result, the Government violently repressed the sect and arrested virtually all of its leaders. The regime maintains tight control over Hoa Hao areas. Similarly, the regime has arrested many of the leaders of the Cao Dai (a uniquely Vietnamese religion based on elements of Buddhism, Islam and Christianity). Refugees have reported police occupation of the Cao Dai Holy See in Tay Ninh City. The official press has claimed that the Cao Dai leaders have used the Holy See to establish an anti-government subversive organization, broadcasting and printing anti-government messages and storing arms for an uprising. Some leaders have been tried and executed for these alleged activities, according to the official news media. A trial of two leaders and 31 accomplices was publicized in August 1983.

Since the regime views religion as a possible source of political opposition, adherence to a religious sect is incompatible with membership in the Communist Party. Party membership is a prerequisite for advancement in society.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.

Government approval is required for all external travel, and one must have an identity card to travel internally. No one is allowed to change residence or work location without permission from the authorities. Since public security cadre periodically check household occupants against the official family register, unauthorized absences also subject families to surveillance and harassment. With few exceptions, only government officials or approved spokesmen for quasi-governmental organizations receive permission to travel abroad.

A number of factors, in addition to the generally repressive political situation, have caused a mass exodus from Vietnam since 1975. Among them are ethnic and religious persecution, discrimination with regard to economic and educational opportunities, fear of imprisonment or of forced resettlement in remote areas, and fear of conscription to fight in Cambodia.

In early 1978, the Vietnamese adopted a program to "facilitate" the flight from Vietnam of ethnic Chinese and others by boat. The program was administered through special offices at the provincial level which charged large fees for exit permits and passage. At its height in the spring of 1979, the exodus, mostly of ethnic Chinese, reached over 40,000 a month by boat, with the "boat people" exposed to extreme hardship at sea, in many cases resulting in death.

At the International Conference on Vietnamese Refugees held in Geneva in July 1979, the Vietnamese Government announced a moratorium on these refugee departures, and information from refugees who have left Vietnam since then indicates that the Government is now actively interdicting such boat departures (though many officials still assist those attempting to flee if sufficiently bribed). During the past several years, there have been reliable reports of Vietnamese patrol boats firing upon and sinking helpless refugee boats attempting to flee clandestinely. Hundreds of these refugees have either died, or been captured and imprisoned as a result of these attacks.

In May 1979, the United Nations High Commission for Refugees (UNHCR) reached agreement with Vietnam on the legal departure of people from Vietnam under an "Orderly Departure Program." The program started slowly with only slightly more than 13,000 leaving Vietnam in the 27 months between July 1979 and October 1981. The Vietnamese then expanded the program, and over 12,000 left in the next year. During fiscal year 1983 the number of people leaving Vietnam under the program increased to 15,631, and in fiscal year 1984 the number of people leaving Vietnam under the UNHCR program was 28,340.

A significant number of people leaving in the Orderly Departure Program are ethnic Chinese who consistently find it easier than ethnic Vietnamese to be approved officially for departure. Another significant portion is composed of "Amerasians," children fathered by Americans in Vietnam, who have suffered racial discrimination.

During 1984, refugees continued to leave Vietnam clandestinely, although at a lower rate than past years. Hanoi and provincial radio stations have broadcast reports of executions or of lengthy jail sentences for organizers of failed escape attempts, as well as punishments dealt to others implicated. Currently, male offenders can expect sentences ranging from three to fifteen years at hard labor--depending on their role in the departure attempt--while women receive one to three months, with childless women often receiving longer sentences. Those released from "reeducation camp" who attempt flight can expect to be returned to the camps for an indefinite term. Property, often including the means of livelihood, is confiscated from those caught trying to escape, as is the property left behind by those who succeed.

Individuals reportedly must often bribe officials to be placed on Orderly Departure Program lists. Refugees from the Mekong Delta have reported that some people have paid officials from 4,800 to 6,000 dollars in gold per person to be placed on tentative lists with no guarantee as to when or if they would be permitted to leave. People who have applied for exit permits reportedly are subject to recurring security checks and harassment.

Few have returned to Vietnam after having fled the country. Those who fled in the immediate aftermath of the fall of South Vietnam in 1975 and later returned were incarcerated in "reeducation camps." In only a few isolated cases has Hanoi allowed anyone to return in recent years; in effect, those who emigrate lose their citizenship. Some who left Vietnam and have acquired nationalities and travel documents of other countries have, however, been permitted to return to Vietnam as visitors. The Government apparently wishes to encourage their links to their remaining relatives and thus the flow of hard currency into the country.

Since the occupation of Cambodia by Vietnam, large numbers of Vietnamese, possibly as many as several hundred thousand, have settled there. Although many of these people are former residents of Cambodia expelled by its former rulers, a significant number are reportedly first-time settlers.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

All authority and political power is vested in the Communist Party, and political opposition or advocacy of change in this system is not tolerated. The Politburo of the Central Committee of the Communist Party of Vietnam is the supreme decision-making body in the nation, while the party's Secretariat oversees day-to-day implementation of politburo directives. The party leadership selects candidates for the Central Committee. The periodic National Party Congresses merely ratify the selection without any choice among the candidates. The Congress is made up of delegates from the party apparatus of each province, who are similarly selected by higher levels.

Ostensibly the chief legislative body, the National Assembly, in fact approves without dissent the policies set by the Communist Party Politburo. National Assembly elections are held in Vietnam every five years, most recently in 1981. Local elections are held more often. The electorate must participate in these elections in order to have ration cards validated. Voters do not have a real political choice. They may only strike out the names of candidates for whom they do not wish to vote from the single list which is presented to them.

Although southerners have been appointed to some ministerial and National Assembly positions, the leadership's distrust of southerners, including some long-time Communist cadre or party members, is a significant factor in the assignment of political responsibilities. Southerners who played roles in the Provisional Revolutionary Government prior to 1975 have since, for the most part, been shunted aside by the northern leadership.

Gradual assimilation and cooption appear to be the Government's long-run strategy in regard to most minorities. The Government has created special schools in the Hanoi area to train minority cadres who can be the "eyes and ears" of the party among their own people. Highland minorities in central Vietnam are subject to repression if suspected of ties with resistance groups. Officially programed settlement of ethnic Vietnamese into the highlands is designed to enhance lowlander control and to restrict minorities, some of which are being forced into settled agriculture. Southern minorities such as the Chinese, Indian, and Khmer have been encouraged to leave the country.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

Vietnam is not a member of any international human rights organizations, nor is it active in attempting to ameliorate the human rights situation in other countries. In April 1983 Amnesty International issued an appeal to the Government of Vietnam to release or bring to trial the thousands of people held without trial, many since 1975. Both this appeal and previous Amnesty International reports as well as the 1984 Report expressed concern over the violation of human rights by the detention of people without trial in "reeducation camps" under harsh conditions over a period of years. Freedom House, in its 1984-85 report lists Vietnam as "not free."

The few foreign delegations and journalists who have been allowed to visit "reeducation camps" have been shown model prisons. Former prisoners have described extensive preparations to beautify their camps prior to such visits, temporary removal of most prisoners during the visit, and careful briefing of the remaining prisoners by Communist Party cadre on what to tell delegation members.

The Government does not permit the existence in Vietnam of private groups concerned with human rights.

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Almost ten years after the reunification of the country, Vietnam's economy continues its stagnation. Although industrial output began to increase in 1981 after several years of decline or almost zero growth, the industrial sector remains extremely weak. Increased emphasis on light industry has led to some increase in consumer goods. However, wage increases for officials have not kept pace with inflation, and for those without access to subsidized goods, economic conditions have deteriorated. This economic stagnation is due in large part to the diversion of resources, particularly trained managers, and to the maintenance of a large standing army, both in Cambodia and on the Chinese frontier. A second major factor is Vietnam's inability to service its external debt, thereby precluding foreign investment and multilateral developmental assistance. Most countries capable of providing bilateral assistance are unwilling to do so in the face of Vietnam's occupation of Cambodia. The flight of technically skilled people abroad and underuse of Western-trained technicians has also handicapped development. Production incentives have ameliorated agricultural shortages to a degree. According to Hanoi, grain production reached 17 million metric tons in 1984, 200-300,000 metric tons greater than the previous year, but below the 18 million metric ton target. The announced per capita production in 1984 was 290 kilograms, down from 300 in 1983, which Hanoi's planning chief then termed "borderline between causing malnutrition and being barely enough." Given inadequate distribution, severe local shortages probably occurred in northern areas hit by natural calamities during 1984.

Rampant inflation for several years has forced many city dwellers, especially government cadre and workers, to hold two jobs, and has led to increased corruption and crime. Refugees have reported inflation in necessities of at least 50 percent in 1984. Corruption is now seen as a fact of life throughout the South and is becoming pervasive in the North. Government measures to restrict the amount of goods and money which families can receive from abroad as well as other official moves against free market activities have to a degree curtailed free trading.

Collectivization of the fishing industry and nationalization of most ocean-going vessels have lowered fishermen's income severely. The fishing industry has been further curtailed by strict government limits on the amount of fuel and water permitted aboard. These measures have been adopted to prevent refugee escapes. Depletion of the fishing fleet through loss of boats to transport refugees has also hurt the industry.

Primary education is claimed by the authorities to be universal (98.1 percent in 1980 according to the World Bank), but some children, such as the Amerasians, are reportedly not allowed to attend school. Education above the elementary level, particularly at higher levels, is often restricted to those with approved backgrounds. The party committee in each school reportedly makes the final determination as to who will graduate. Similarly, study abroad is restricted to those who are politically acceptable.

The ethnic Chinese are severely discriminated against through denial of officially sanctioned employment and educational opportunities. Former military officers of the Republic of Vietnam are systematically denied employment, and the children of former military and civilian officials of the Saigon government are denied university education by a review of family background which culls out "undesirable elements." Those released from "reeducation camps" are formally denied their civil rights for an indefinite period and are subject to severe restrictions in employment and travel.

Despite the promises of the Communist Party to emancipate women, there are no women in the Party Politburo and only four women in the 116-member Central Committee, although 108 (22 percent) of the rubber stamp National Assembly members are women. There is only one woman government minister (for education) out of 35 members of the Council of Ministers. Despite having proved themselves in important administrative and production roles during the war, Vietnamese women have retreated from the management positions they held at that time and returned to the home to raise families. This trend is partly due to the proclivities of those involved, but it is also a result of the lingering Confucian attitudes of Vietnamese men. At the primary level, women attend school at almost the same rate as men (89 percent versus 94 percent). Reliable figures are unavailable for higher education attendance ratios.

The level of health care has declined since 1975. Severe shortages of medical facilities and medicines have been aggravated by the need to divert material and people for the care of soldiers wounded in Cambodia. Only the most minimal facilities are available to the average worker. Ordinary peasants and workers must purchase medical prescriptions on the open market, unlike party cadre who have access to free or government-subsidized prescriptions. Those who are not employed by the state are not eligible for care at government medical facilities. Medicine is in extremely short supply and thus expensive on the free market. The general health condition of those in the Orderly Departure Program has deteriorated noticeably and steadily over the years.

Around 75,000 Vietnamese workers have been sent under contract to work in various occupations in the Soviet Union and East European countries. A significant portion of their wages is deducted to help pay for Vietnam's debt to these countries. It appears, however, that most of these workers enter this work program voluntarily in order to escape the extreme poverty and unemployment of present day Vietnam.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: VIET NAM

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.AID ................. | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.0 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 30.0 | 0.0 | 0.0 | 204.3 |
| IBRD | 0.0 | 0.0 | 0.0 | 0.0 |
| IFC | 0.0 | 0.0 | 0.0 | 0.0 |
| IDA | 0.0 | 0.0 | 0.0 | 68.0 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 44.4 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 2.9 | 0.0 | 0.0 | 31.4 |
| OTHER-UN | 27.1 | 0.0 | 0.0 | 60.5 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## WESTERN SAMOA

Western Samoa lies in the South Pacific Ocean approximately 5000 miles southwest of the Continental United States and 1600 miles northeast of New Zealand. There are two main islands containing a population of approximately 158,000. After more than forty years of U.N. Trusteeship and League of Nations mandate rule by New Zealand, Western Samoa became independent on January 1, 1962. It still maintains a formal treaty relationship with New Zealand. Apia, population 35,000, is the capital and commercial center and the only major city in the country. Samoans are the second largest Polynesian group, after the Maori of New Zealand, and speak a Polynesian dialect.

Despite exposure to European influence for more than 150 years, Samoans have tended to retain their traditional ways. Increasing exposure to outside influences, however, is beginning to bring about change. Most Samoans still live within the traditional social system based upon the "aiga," or extended family group, headed by a "matai," or chief. The title of "matai" is conferred by consensus of the "aiga" upon any eligible member of the group, including women, with the common consent of the "aiga." The "matai" is responsible for the general welfare of the "aiga" and directs the use of family lands and other assets, in addition to representing the "aiga" in village and district "fono," or councils.

The Western Samoan Constitution, adopted by a universal suffrage plebiscite in October 1960, is based upon the British pattern of parliamentary democracy, modified to take Samoan customs into account. The present head of state in Western Samoa, Malietoa Tanumafili II, will hold the position for life. Future heads of state will be elected by the Legislative Assembly for five-year terms. The head of state appoints as Prime Minister the elected member of the Legislative Assembly who commands majority support in the Assembly. The Prime Minister heads the Government, and with his advice, the head of state appoints the members of the cabinet. The Prime Minister and Cabinet hold office as long as they retain the confidence of the Legislative Assembly. The Assembly has 47 members elected for three-year terms.

There were no major human rights issues in Western Samoa in 1984.

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political killing

Killing for political motives, whether by the Government or by opposition political organizations, does not occur.

#### b. Disappearance

There are no secret arrests, clandestine detention or abductions.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment.

Torture and cruel or degrading treatment or punishment is prohibited by law and does not exist. The Constitution states that "no person shall be subjected to torture or to inhuman or degrading treatment or punishment."

### d. Arbitrary Arrest, Detention, or Exile.

There are no political prisoners. Habeas corpus exists and is practiced. Preventive detention does not exist. Under Western Samoan law those arrested are charged promptly, normally within twenty-four hours. Persons awaiting sentencing are housed in the same detention facilities with those already convicted and serving time. Local custom is taken into account in sentencing. Most Samoans are arrested for relatively minor offenses, and their terms of sentence are short. Western Samoan law does, however, allow for the death sentence and several people have received it, but no one has actually been executed since independence.

### e. Denial of Fair Public Trial.

Western Samoan law guarantees the right to a fair public trial, and this right is faithfully honored. Defendants are charged promptly after their arrest, and all charges are stated formally and clearly. Defendants are entitled to counsel, and assessors are provided to assist in cases involving traditional matters. There are no special courts to deal with political or security offenses. The judiciary is independent of government interference or influence. Trial by jury is unknown in Western Samoa due to the family linkages that would make most juries biased.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.

The Government respects the privacy of its population and does not permit arbitrary interference with family, home, or correspondence. Both law and local custom provide for the protection from invasion of the home and seizure of property without due course of law, i.e., search warrants.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press.

Included as part of the fundamental rights in the Constitution are the freedoms of speech and expression. These rights are respected in practice. Western Samoa has a vigorous free press. The government-owned radio station regularly reports opposition views. The Government reserves the power to restrict these rights only as they may affect the public order, morals, or national security of the country. There have been no cases of infringement of these rights by the Government.

### b. Freedom of Peaceful Assembly and Association

The Constitution guarantees as freedoms the right to assemble peacefully without arms and to form associations or unions. There is no real trade union movement within Western Samoa, although the public service has an employees' organization which exercises collective bargaining. The Government has freely permitted attempts to develop unions within the country, and the courts have upheld the rights to strike and enter into arbitration.

### c. Freedom of Religion.

Guaranteed within the Constitution is the right of every person to freedom of thought, conscience, and religion. This includes the right to change one's religion or belief at will and, either alone or with others, in public or private, to manifest this religion in worship or teaching, practice and observance. These rights are respected. Nearly 100 percent of the population is Christian with about half of the population associated with the London Missionary Society. Approximately 40 percent is equally divided between the Roman Catholic and Methodist churches. There is no state or government-favored religion, nor is advantage given to any particular faith.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.

The Constitution also guarantees to all citizens of Western Samoa the right to move freely throughout the country and to change residence. They are also free to travel abroad, and the rights of emigration and repatriation are respected. There are no refugees in Western Samoa other than a few Iranians of the Bahai faith.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Western Samoa's Government is based upon the Westminster parliamentary system with real power vested in the Prime Minister and the Legislative Assembly. Forty-five of the Assembly members are "matai" elected by other "matai" and two members are elected by universal suffrage among those citizens who are not Samoan by heritage. When a "matai" seeks election to the Legislative Assembly, he or she campaigns throughout the constituency, knowing that the extended family will influence the voting of their "matai." "Matai" traditionally consult with the extended family they have been chosen to represent before making decisions for the group.

The "matai" system is a predominately conservative force, but is beginning to change. The number of "matai" titles has increased from 12,000 to 15,000 in the last year. The one woman member of parliament has charged that this rapid increase is a result of corruptions of the "matai" system and has urged a return to the more traditional methods of selecting "matais" in order to protect Samoan custom. Traditionally, Samoans elected the "matai" on the basis of leadership capabilities and not only on seniority within the extended family. Since the title brings with it certain privileges and the ability to direct the use of family assets, it has become a commodity of some value. It is not unknown to offer an unused title to someone outside the family or to share titles with people who would otherwise not be elected; thus the proliferation of titles. Also only "matais" can vote in elections for members to the legislative assembly. This limited suffrage reflects the choice by the entire populace to adhere to Samoan custom through the instrument of the Constitution.

In the past Samoa did not have organized political parties; members of the Legislative Assembly rallied around leading personalities, and the personality receiving the majority support of Assembly members became Prime Minister. In the 1982 elections, several candidates formed the Human Rights Protection Party which now governs, headed by Prime Minister Tofilau Eti. Members of the Assembly who oppose the Government are not formally organized as a party.

## WESTERN SAMOA

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

No requests for human rights investigations have been made to the Western Samoan Government. Although the governing party calls itself the "Human Rights Protection Party," there are no known internal human rights organizations. The Amnesty International 1984 Report has no entry for Western Samoa. Freedom House's 1984-85 report terms it "partly free."

### ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The Western Samoan economy is slowly improving after the adoption of austerity measures by the Government over the last two years. These measures have not deprived any sector of their economic and social needs on a discriminatory basis.

Except in the capital, Western Samoan land is not individually owned. According to the 1981 census, the population of Western Samoa is approximately 156,349 with a growth rate, due to emigration, of only .6 percent. The birth rate is substantially higher than that figure. The mortality rate, according to 1982 World Health organization figures, is 35 per 1000 live births. Samoans with access to safe water are about 43 percent of the entire population, 100 percent in urban areas and 23 in rural areas. Ninety percent of the work force remains in agriculture, cultivating both subsistence and cash crops. Per capita income is estimated at $623 as of 1981 (according to Asian Development Bank-ADB-estimates), but an adequate food supply is available to meet most of the populations's caloric intake requirements. Life expectancy at birth is approximately 66 years. Health standards are good, and adequate medical care is available. Education is not compulsory or free but primary school enrollment is approximately 80 percent as of 1980 (ADB), and the adult literacy rate is 98 percent.

Under the Constitution, women are afforded the same rights as men. While women have been active in the legislative assembly, other public offices and community affairs, they are generally underutilized in proportion to their share of the population.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: WESTERN SAMOA

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 0.9 | 1.0 | 1.1 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.9 | 1.0 | 1.1 |
| A.AID ................ | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FGR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.0 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.9 | 1.0 | 1.1 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.9 | 1.0 | 1.1 |
| PEACE CORPS...... | 0.9 | 1.0 | 1.1 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 0.9 | 1.0 | 1.1 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.9 | 1.0 | 1.1 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 1.0 | 1.6 | 0.0 | 47.7 |
| IBRD | 0.0 | 0.0 | 0.0 | 0.0 |
| IFC | 0.0 | 0.0 | 0.0 | 0.0 |
| IDA | 0.0 | 0.0 | 0.0 | 6.4 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 1.5 | 0.0 | 32.5 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 1.0 | 0.1 | 0.0 | 8.7 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 0.1 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

# EUROPE AND NORTH AMERICA

## ALBANIA*

Albania is a one-party state ruled by a harsh Marxist-Leninist dictatorship. The Government proclaims itself a People's Socialist Republic. Enver Hoxha, the party leader since World War II, exercises personal leadership through the 125,000-member Albanian Workers' Party. A large, effective security service assists the party in maintaining repressive controls over the Albanian people who enjoy only very limited civil and political rights.

Human rights conditions in Albania appear to be exceptionally bad. There is substantial evidence, corroborated by private international organizations, of significant human rights violations. The Government has repeatedly refused to cooperate with any of the international organizations which investigate human rights complaints. The situation has not improved in 1984.

Living in a mountainous and remote land, Albanians have traditionally been isolated from their neighbors. The Hoxha regime has used this isolation as a tool to shield the populace from foreign influences. Nevertheless, the Government has recently shown signs of moving tentatively toward increasing its ties to Balkan and Western European states. Albania is a member of the United Nations, but has not signed the Final Act of the Conference on Security and Cooperation in Europe.

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

Although Albania is shrouded in secrecy, it appears that the Hoxha regime has used political killing against its opponents. Hoxha has periodically purged the leadership and executed deposed rivals in order to eliminate challenges to his personal rule from within the party and the Government. In 1981, former Prime Minister and long-time Hoxha associate Mehmet Shehu was reported to have committed "suicide" in suspicious circumstances after policy disagreements with Hoxha. Four of Shehu's supporters were subsequently executed for conspiring with him, and many other supporters, including family members, were jailed.

#### b. Disappearance

Persons who have escaped from Albania report that disappearances occur, but specific corroboration is not available.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and police brutality are reportedly used in Albania, particularly against persons accused of anti-state or religious activity. Because of insufficient evidence, however, it is difficult to corroborate such reports.

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* The United States has not had diplomatic relations with or official representation in Albania since World War II. It is difficult therefore to comment authoritatively on conditions in Albania.

Private international humanitarian organizations have reported extremely harsh prison conditions in Albania, including a severe hard labor regime with inadequate food and clothing, long-term solitary confinement, cramped cells without room to lie down, and unheated, unfurnished cells lacking any sanitary facilities. The Burelli prison has been singled out for special mention in this regard.

Eyewitnesses have reported the exhibition of bodies of dead prisoners as a means of intimidating the populace. It is impossible to say how widespread this practice may be.

The Albanian Criminal Code lists 34 crimes, a number of which are political offenses, for which the death sentence may be imposed. Among them are agitation and propaganda against the state (Article 55), incitement of hatred or quarrels between nationalities and races (Article 56), creation of a counterrevolutionary organization or participation therein (Article 57), activity against the revolutionary movement of the working class (Article 60), and refusal to carry out a duty or coercing others to refuse (Article 144).

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides that no one may be arrested without court or prosecutorial approval or be sentenced to jail without a court verdict or for an act which is not a crime. The Criminal Code however, provides that banishment or internment may be administratively imposed, without trial, for up to 5 years on persons whom the authorities consider a threat to the social system and on the families of fugitives. There are numerous reports that families of escapees from Albania are imprisoned as a deterrent to other potential illegal emigrants. In its 1984 report, Amnesty International notes a number of such cases in 1983.

e. Denial of Fair Public Trial

The judicial system in Albania includes the Supreme Court and regional and district courts. Like all organs of government and state authority, it appears to be under the total control of Hoxha and the Albanian Workers' Party. There is virtually no chance a court would render an independent verdict in conflict with the wishes or policies of the regime. Some trials are said to be held behind closed doors when it suits the purposes of the regime.

Reports of the number of persons in prison range from 4,000 to 40,000, including 300 members of the pre-World War II elite, as well as pro-Soviet, pro-Chinese, and other political prisoners. Many persons are serving sentences for expressing dissatisfaction with conditions in Albania or for trying to flee the country. Although an amnesty was approved in November 1982, there is no independent confirmation of the number of persons amnestied.

Amnesty International reports that political detainees have been held for up to 6 months in solitary confinement without access to lawyers or relatives. Defendants at political trials have usually been denied defense counsel and have had to conduct their own defense.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution proclaims the inviolability of the home and the privacy of correspondence, but at the same time provides that these and other civil rights are subordinate to the general interest and cannot be exercised in opposition to the socialist order. It is generally accepted that the authorities can and do violate the privacy of the home whenever and to the extent necessary to achieve their ends. The Government uses its pervasive informer network to report on, among other things, the private lives of its citizens. Children are taught to report on their parents' activities in the home, such as whether they practice religion or speak against the Government. Contact with the outside world is carefully monitored. Members of the Greek minority who have escaped report that they had difficulty in receiving mail or telephone calls from relatives in Greece. Packages of food, medicine, and clothing sent to them were returned by the Albanian authorities to Greece without their knowledge.

## Section 2 Respect for Civil Rights, Including

### a. Freedom of Speech and Press

Although the Albanian Constitution states that citizens enjoy freedom of speech and freedom of the press, it provides that these rights cannot be exercized in opposition to the socialist order. Consequently, the Government has imposed rigid restrictions on the people's freedom of speech and press. The government-controlled press never criticizes the leadership or its policies, and any citizen who does so publicly is subject to swift and severe reprisals. Persons found listening to foreign radio broadcasts or exhibiting "alien manifestations" have in the past been reprimanded or jailed, although there is some indication that these restrictions may have been relaxed lately. Information from abroad is carefully controlled. Art and literature are deemed to be weapons of revolutionary change and are subject to rigid state control and censorship.

### b. Freedom of Peaceful Assembly and Association

The security police deals severely with group activities that do not have government sanction or that might appear to be in opposition to the leadership. There are no independent associations or organizations. Nearly all Albanians belong to trade unions that are part of the United Trade Unions of Albania, an arm of the party. The unions have no significant voice in the field of labor relations, although they do play a key role in indoctrinating and propagandizing the workers, in maintaining labor discipline, and in organizing the periods of so-called "voluntary" manual labor in which all Albanians are expected to take part.

### c. Freedom of Religion

All religious activity in Albania is expressly prohibited by the Constitution and by government policy. Historically, about 70 percent of all Albanians were Muslim, 20 percent were Orthodox, and 10 percent were Roman Catholic. However, in 1967 the Government abrogated all laws dealing with church-state relations and began an active campaign to banish all vestiges of religion. More than 2,000 mosques, churches, monasteries, and other institutions were closed, and many religious leaders were imprisoned or executed. All religious literature was banned, as were any personal manifestations of religious belief or practice. The regime proudly proclaimed Albania to be the world's first atheist state.

The regime continues to suppress religious activity by threatening harsh penalties for believers who practice their faith and by obliging citizens to inform on believers. Nevertheless, there are some recent signs that the shrill anti-religious campaign was quietly toned down as the regime tried to improve its relations with Italy, Greece, and Turkey. Enver Hoxha has been quoted as saying that religious belief "is each person's right," but there has been no official assertion that religious practice is once again allowed. In spite of years of anti-religious pressure, it is reported that some Albanians have continued to practice their faith in the privacy of their homes. Tourists have also recently reported seeing Muslim Albanians faithfully kneeling in prayer along the roadside with apparent impunity.

In November 1983, the Vatican publicly condemned religious persecution in Albania and claimed that a number of priests, members of holy orders, and seminarians had died in prison. It also reported that two priests had been executed for administering baptisms to children. The official press denies that believers have been persecuted and maintains that religious belief is opposed only by argument.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Movement within the country and travel abroad are controlled very strictly, and transgressors against the laws are severely punished. The Criminal Code states that "flight from the state and refusal to return to the fatherland on the part of a person sent on service or allowed to leave the state is punishable by imprisonment for not less than 10 years or by death." The Criminal Code makes "illegal border crossing" punishable by up to 5 years' imprisonment. Despite this, both Greece and Yugoslavia have recently experienced a sizable increase in the number of Albanian refugees who have risked their lives to cross the border. Albanians reportedly are allowed to leave the country legally only on official business or, very rarely, for family reasons.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

No such right exists in theory or in practice. The country is governed by a totalitarian dictatorship, headed by Enver Hoxha in his capacity as First Secretary of the Albanian Workers' Party. The Constitution establishes the Albanian Workers' Party as the sole political entity and Marxism-Leninism as the dominant political ideology. Any attempt by individual citizens to criticize or change the form of government or its leaders is dealt with severely. Elections are rigged in advance. During the last quadrennial election for the People's Assembly (Parliament) in 1982, the Government announced that 100 percent of eligible voters had participated, and that the official slate of candidates had been elected with only one negative vote from the entire electorate.

# ALBANIA

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Government denies any violations of human rights and refuses to cooperate in any investigation of allegations to the contrary. Amnesty International's 1984 report detailed numerous concerns about the human rights situation in Albania. Freedom House rates Albania "not free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

With a population of 2.9 million and limited natural resources, Albania is the poorest country in Europe and has the least amount of arable land per capita. Given the poverty of the country and its self-imposed isolation, including the refusal to accept foreign credits to finance trade transactions, the regime has achieved significant economic development since World War II. Per capita gross income in 1984, the lowest in Europe, is estimated at about $850, but no current figures are available.

The food supply is adequate, and there are no reports of chronic food shortages or rationing. The population receives more than the minimum daily per capita calorie intake, although the level (110 percent in 1977) is one of the lowest in Europe. Life expectancy is estimated at 71.7 years, and the infant mortality rate is about 42.3 per 1,000 births. Nearly all children are educated, but the overall literacy rate for all ages is estimated at about 75 percent.

All land is the property of the state, and individual citizens may own only such personal property as permitted by law. Housing rent is low, but there is a housing shortage, particularly for newly-wed couples. The economy is based on agriculture and the production of raw materials, especially minerals.

The Constitution states that women shall enjoy "equal rights with men in work, pay, holidays, social security, education, in all social-political activity, as well as in the family." Information on the extent to which these rights are exercised is not available, but there are indications that the regime has advanced the status of women. Women are said to participate equally in the obligatory labor and military service programs. There are several women in the party and government leadership. Albania is party to the International Convention of the Political Rights of Women and the Convention on the Nationality of Married Women.

## AUSTRIA

Austria is a parliamentary democracy. Elections are free and participation is high. The coalition Government (Socialist Party and Freedom Party) formed after the 1983 national election continued in office in 1984 while the People's Party, a conservative party with connections to the Roman Catholic Church, remained in opposition.

The human rights situation in Austria in 1984 was good--essentially unchanged from the situation in previous years. No charges of human rights violations were brought by international or non-governmental organizations during 1984.

Austria has a developed economy and enjoys a high standard of living. It has a strong Christian (Catholic) tradition, but does not discriminate against other religious faiths. Recent governments have made a conscious effort to eliminate legal provisions which tend to discriminate against women. In the postwar era, women have entered the work force in increasing numbers and made substantial progress toward equality.

Since World War II, Austria has served as a country of first asylum for refugees from Eastern Europe. Since then, approximately 2 million refugees have passed through Austria. During "normal" years, an average of 5,000 to 6,000 Eastern European refugees arrive in Austria (in calendar year 1983 the total was 5,657). Austria spent $30 million on refugee reception, care, and maintenance in 1983, and a similar amount is budgeted for 1984.

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

There were no reports in 1984 of politically motivated killings by either government authorities or opposition groups. However, two Turkish diplomats were killed in Vienna by terrorists. A Turkish Embassy attache lost his life on June 20, 1984 when a bomb exploded in his car in front of the Turkish Embassy. A senior Turkish U.N. official was shot on November 19 while driving to work. The Armenian Liberation Front claimed credit for both attacks. None of those responsible has yet been captured.

#### b. Disappearance

There were no abductions by authorities in 1984.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is banned by the Constitution. There is no evidence of any violation of this provision.

#### d. Arbitrary Arrest, Detention, or Exile

The Austrian Constitution prohibits arbitrary detention or exile. The law provides for investigative detention for 72 hours, by which time an investigative judge must decide on the legality of the detention. Provided the investigative judge agrees, the accused can be held in detention pending completion of an investigation for up to a maximum of 2 years. Grounds for investigative detention are enumerated in the law, as are conditions for release on bail. Detention for minor infractions of administrative law can be imposed by administrative authorities, but is subject to court appeal. The number of such cases has been declining in recent years

### e. Denial of Fair Public Trial

Fair public trial is guaranteed by the Constitution. Austrian law provides for an independent judiciary and specifies the principle of public trials. There has been some criticism of a provision which requires public prosecutors to act on instructions of the Ministry of Justice. Some feel that this provision must lead to the polarization of the prosecution process. However, there have been no reports of abuses.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Freedom from invasion of the home is guaranteed by the Constitution. A judge may issue search warrants for entry into a private residence. No warrant is needed in case of public hazard or of a fugitive from justice.

Constitutional provisions also protect the privacy of the mail and telephone. A 1978 law provides for the protection of personal data collected, processed, or transmitted by government agencies, public institutions, and private entities.

There is no effort by the Government to monitor or control family life.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Freedom of speech and press are guaranteed by the Constitution and respected in practice. Austria has a free, independent, and multifaceted press, ranging from conservative to Communist.

Publications may be banned if they violate legal provisions concerning morality or public security. Such cases are extremely rare. Austria's well-established democratic political system, its active and independent press, and its effective judiciary combine to assure continued freedom of speech and press.

### b. Freedom of Peaceful Assembly and Association

The Austrian Constitution provides for freedom of assembly and association. The Austrian State Treaty of 1955 provides an exception to this principle in the case of Nazi organizations and activities. The constitutional law of 1945 prohibits Nazi organizations. The law on the formation of associations stipulates that permission to form an association may be denied if it is apparent that the organization will pursue the illegal activities of a prohibited organization. The large number of trade associations and other professional groupings testify to freedom of association in Austria.

Public demonstrations require a permit by the police authorities which may consider only the public safety aspect of the proposed demonstration and not its political purpose. Permits are routinely issued.

Trade unions in Austria have an important voice in political life due to their role in the "social partnership," an unofficial system by which Austria's economic policies are determined by labor and management representatives. Nearly 60 percent of the work force is organized in 15 national unions, each of which is a member of the Austrian Trade Union Federation. This organization has a strong, centralized leadership structure. Individual unions and the Federation are independent of government or political party control. Unions have the right to organize workers, to negotiate wage agreements, and to strike, although as a practical matter strikes in Austria have been rare. Two members of the present Cabinet are presidents of national unions, and the current president of the lower house of Parliament is also the president of the Federation. The Federation is a member of the International Confederation of Free Trade Unions.

By law, most employees must be members of the Chambers of Labor. This organization, which is unique to Austria, represents workers' interests vis-a-vis the Government whereas the unions represent the workers vis-a-vis the employers. The leadership of the trade unions as well as of the Chambers of Labor is elected through democratic balloting.

### c. Freedom of Religion

This right is guaranteed by the Constitution, although the Treaty of St. Germain contains a provision which restricts this freedom to the practice of religions which are compatible with public safety and morality. Eighty-five percent of the Austrian population is Roman Catholic.

In order to qualify as a recognized religious organization under Austrian law, religious groups register with the Government. Most of the world's major religions are represented in Austria. Despite its dominant position in the country, the political influence of the Catholic Church has steadily diminished since 1945 and is no longer considered a major political force. Although anti-Semitism has practically disappeared from public view, several recent surveys suggest it is still latently present among significant numbers of Austrians. A study by a Vienna sociologist published in September 1984 indicates that approximately half of the Austrian population holds some anti-Semitic beliefs.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Austrian residents are free to travel, change residence, or emigrate. Citizens who leave the country have the right to return. Austria serves as a country of first asylum for refugees from Eastern Europe and as a transit point for Soviet Jewish emigrants on their way to Israel or other third countries. The Government has drastically limited the issuance of work permits to non-Austrians in an effort to reduce domestic unemployment. Austria's guest worker population, which averaged 226,400 in 1973, stood at 140,200 as of June 1984.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Austria is a constitutional parliamentary democracy. All citizens of 19 years of age or over may participate in elections which must be held at least every 4 years. The 1983 national election resulted in a change of government in Austria. The Socialist Party lost its absolute majority in the Parliament and went into coalition with the Freedom Party. Several splinter groups also contested the elections, including the Communist Party, but did not receive sufficient support to elect candidates to the Parliament.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

No charges of human rights violations were brought by international or non-governmental organizations during 1984. Austria recognizes the competence of the European Human Rights Commission in Strasbourg and concerns itself extensively with international human rights matters. Austria will host a Council of Europe conference on human rights in March 1985.

Amnesty International is the major non-governmental human rights organization active in Austria. Austrians also provide financial support for the "Bruno Kreisky Foundation," which was formed in 1976 to honor distinguished human rights activists. Amnesty International did not mention Austria in its 1984 report. Freedom House rates Austria as "free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Austria has an extensive public welfare program, the benefits of which are available to all citizens on a nondiscriminatory basis. These programs provide pensions for the retired, health benefits, and payments during periods of unemployment. The literacy rate of Austria's 7,544,000 (1984) population is nearly 100 percent. The work force is highly skilled, producing a per capita gross national product of $9,877 (1982). Life expectancy at birth was 73 years in 1984. The infant mortality rate in 1984 was 11.9 per 1,000 live births.

Women participate fully in the electoral process and constitute 53 percent of the Austrian electorate. De facto discrimination against women still exists in the political, social, and labor fields despite legislation enacted in 1977 and 1979 to reform family law, thereby improving the conditions of mothers and wives, and the equality law, which outlaws discrimination against women through unequal pay. In 1983, 40 percent of the work force was composed of women. Overall, however, women earned 49 percent less than men. Among men and women with equal training and education, men earned one-third more than women. The women's organizations within the established political parties remain the most important forums for women activists. Since 1983, a state secretary, a woman in the Chancellor's office, has been responsible for women's issues within the Government.

## AUSTRIA

Although economic and social benefits are available to all citizens without discrimination, Austria's small (20,000) Slovene minority has criticized the Government for offering services only in German in some areas where Slovenes reside. During the 1984 provincial elections, the Freedom Party's leader in Carinthia appealed to Austrian nationalist sentiment by supporting a popular initiative calling for a separation of German- and Slovene-language instruction in Carinthian schools. Slovene-speaking students presently receive instruction in both languages if they desire, even in schools with large German-speaking majorities. But the initiative proposes that students choose between German and Slovene schools. The minority language thus would disappear from most schools, since the Slovene community is too small and diffuse to support many all-Slovene schools. Despite the opposition of the national organizations of all three major parties, supporters of the initiative gathered enough signatures to bring their proposal up for consideration in the Carinthian legislature.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
## (U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: AUSTRIA

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.AID ................. | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| TITLE I-TOTAL......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.0 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.1 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.1 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.1 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 0.0 | 0.0 | 0.1 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.1 |
| OTHER US LOANS.......... | 28.6 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 28.6 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 0.0 | 0.0 | 0.0 | 105.5 |
| IBRD | 0.0 | 0.0 | 0.0 | 104.9 |
| IFC | 0.0 | 0.0 | 0.0 | 0.0 |
| IDA | 0.0 | 0.0 | 0.0 | 0.0 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 0.0 | 0.0 | 0.0 | 0.3 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 0.3 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## BELGIUM

Belgium is a parliamentary democracy under a constitutional monarch. Its Council of Ministers (Cabinet), responsible for governmental decisions, is led by the Prime Minister and holds office as long as it retains the confidence of the Parliament. Direct popular elections for the Houses of Parliament (excluding 76 of the 182 Senate seats apportioned by other means) are held at least every 4 years under a system of universal suffrage, obligatory voting, and proportional representation.

Respect for human rights in Belgium is guaranteed in the Constitution and laws and is observed in practice. Belgium is also actively involved in the pursuit of human rights internationally.

The Belgian economy is beginning a slow recovery from the severe recession which followed the second oil price shock and the industrial downturn of the early 1980's. High wages and costs had made Belgian industry uncompetitive, contributing to steeply rising unemployment and large current account and budget deficits. A special economic recovery program, inaugurated in early 1982 with an 8.5 percent devaluation and a plan to lower real wages, has restored the competitive position of Belgian industry and made appreciable progress toward current account equilibrium. However, because significant growth has not returned to the economy, the budget deficit is about 11 percent of the gross national product (GNP), and unemployment is at least 15 percent.

Belgium has three linguistic groupings: The Dutch speakers of Flanders (57 percent of the population), the French speakers of Walloonia (about 42 percent of the population), and a small number of German speakers along the southeast border area. The politically significant division of Belgium between Dutch- and French-speaking regions poses significant problems for the Belgian state. All major institutions, including political parties, are divided into Dutch- and French-speaking sections. (There are special provisions for Dutch-, French-, and German-speaking community councils at the national level.) Regional and linguistic needs are taken into account in national decisions. Linguistic disputes are a perennial problem which can immobilize the political process and from time to time cause minor, temporary civil disorder. A committee established in 1983 to study all outstanding linguistic issues will issue its report in 1985.

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

Neither the Belgian authorities nor officially sanctioned groups engage in killings for political motives. Terrorism remained at a low level most of the year, but several terrorist acts in the last quarter of the year were directed at multinational defense contractors and Belgian government offices. The perpetrators are unknown.

#### b. Disappearance

Abductions, secret arrests, or clandestine detentions by government or opposition groups are proscribed by Belgian law and unknown in practice.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Freedom from torture and cruel, inhuman, or degrading treatment or punishment is guaranteed by law and respected in practice. The Belgian Penal Code prohibits the deliberate mistreatment or injury of anyone, and is applicable to the actions of officials and private individuals. There are no differences in the conditions of confinement based on race, sex, religion, or social class.

### d. Arbitrary Arrest, Detention, or Exile

Freedom from arbitrary arrest and imprisonment is guaranteed by law and respected in practice. Arrested persons must be brought before a judge within 24 hours or released. Belgian law provides for pretrial confinement only under special circumstances: when a person is apprehended in the commission of a criminal act; when there is a risk that the suspect will prove a danger to the community; when there is a risk that he will flee the jurisdiction; and when the case involves one of a number of serious offenses specified by law. The justification for such confinement is subject to periodic review by a panel of judges. Exile of Belgian citizens is not permitted by law.

### e. Denial of Fair Public Trial

The right to a fair, public trial, including the right to counsel, is guaranteed by law and observed in practice. A suspect is charged, if the evidence so warrants, when the preliminary judicial investigatory phase is completed. Charges are clearly and formally stated.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Freedom from arbitrary interference with privacy by the state is guaranteed by law and respected in practice. Participation in the political process and enjoyment of civil and personal liberties in Belgium are not inhibited by law or by actions of security forces for any section of the population. The inviolability of the home is specifically guaranteed by the Belgian Constitution, with exceptions expressly laid down and regulated by law. The law forbids searches of private homes at night, except in special circumstances; warrants issued by a judge are required unless the inhabitants of the domicile agree to the search. The penal code provides penalties for all violations of the home by officials as well as by private persons. Monitoring of telephones and interference with mail are also strictly prohibited.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

These freedoms are guaranteed by law and respected in practice. Varying political, religious, philosophical, and artistic views are permitted free public expression, and there is no political censorship of the media. There are, however, prohibitions on publications and productions held to undermine "public order" (e.g., extreme pornography and incitement to violence). There are laws against libel, provisions for a citizen's right of reply to media criticism, and restrictions on criticism of government policies by civil servants. Belgium has a state-owned radio and television network, but programs are supervised by boards of directors which represent the main currents of opinion. The Government has a representative on the boards, but no veto power. "Free" (not state-owned) radio stations operate openly.

### b. Freedom of Peaceful Assembly and Association

Subject to regulations to preserve public order, political, civic, religious, artistic, social, and special interest groups are permitted to engage in free public assembly. The right to organize, strike, and bargain collectively is recognized and exercised freely. Government austerity measures sometimes limit or alter the results of collective bargaining. This was the basis of a 1983 complaint to the International Labor Organization by one of Belgium's two major labor federations.

### c. Freedom of Religion

Belgium has a long tradition of religious tolerance. Belgian law accords the Christian, Jewish, and Muslim religions "recognized" status for which a government subsidy is accorded. Minority, "non-recognized" religions enjoy full freedom to practice and are not subject to harassment or persecution.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

These freedoms are guaranteed by law and respected in practice. Belgian citizens enjoy freedom of travel within the country and internationally, including the right of voluntary repatriation. Within a system of immigration and labor regulations, Belgium previously admitted a large number of foreign immigrants. The granting of resident status to non-European Community nationals has become more restrictive since December 1980. Belgium grants the right of political asylum to those foreign nationals applying in Belgium who are recommended by the local office of the U.N. High Commission for Refugees (UNHRC) as eligible for asylum.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Participation in the political system is open to all citizens. Suffrage is universal for all adults (18 and over), secret, and compulsory. Unweighted voting (one person/one vote) has been in effect since 1919, and women's suffrage since 1948. There are 13 parties currently represented in the Belgian Parliament. Opposition parties are free, under law and in practice, to operate without constraints or repression.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Belgian Government actively promotes independent investigation of alleged human rights violations, such as sponsoring resolutions in the UNHCR on Iranian treatment of

Bahais. No requests have been made for outside investigation of the human rights situation in Belgium. Freedom House rates Belgium "free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

According to the World Bank, Belgium's per capita GNP was about $10,760 in 1982. Social programs insure adequate living standards to all the population. Excellent medical care is available at reasonable cost. Belgium's population enjoys a life expectancy at birth of 73.8 years. The infant mortality rate is 11.6 per 1,000 live births.

The adverse effects of a general downturn in the world economy, combined with structural problems in the national economy, led to a high unemployment rate. Governmental policies to promote employment and an extensive system of unemployment compensation and other social benefits have served to minimize serious individual financial hardship.

A common educational system serves all economic levels. School attendance is mandatory until age 18 for both sexes, and the population is almost totally literate. To deal with the longstanding ethnic rivalries inherent in the linguistic division between the Dutch-speaking north and the French-speaking south, detailed provisions have been made in law and government structure to assure equitable participation in the national life for both major linguistic groups. In 1983, the Prime Minister formed a committee to study linguistic issues for 2 years, which has subdued public and parliamentary debate on these issues. A long-term solution to the linguistic community problems remains a priority goal of the Government.

Belgium is active in the area of women's rights. The Consultative Commission for the Condition of Women, attached to the Ministry of Foreign Affairs, advises the Government on international women's issues. Within the country there are several other commissions on women's rights which deal with oversight of women's education and working conditions.

# BULGARIA

Bulgaria is a Marxist-Leninist state ruled by the Bulgarian Communist Party. The Communist leadership, a self-perpetuating elite group which holds a monopoly of power, seeks to direct and control all economic, social, and cultural activities. A minority party, the Bulgarian National Agrarian Union, is represented in the Government and the National Assembly (Parliament) but is totally subservient to the Communist Party.

The Bulgarian Constitution provides for certain basic rights, including the right to citizenship, work, rest, access to health care and free education, speech, press, association and demonstration, and freedom of worship. In practice, these freedoms are circumscribed to varying degrees, and they are not permitted to be exercised in any way that might weaken Communist Party control. All challenges to this control are dealt with quickly, firmly, and harshly. The Communists' power monopoly seems to have been tolerated in Bulgaria less grudgingly than in some of the other Eastern European states. Nevertheless, latent discontent exists among persons of all age groups, particularly with regard to the lack of political, cultural, and intellectual freedom under the party's tight rein.

The Government's observance of human rights during 1984 has not changed significantly. Beatings and mistreatment of political prisoners, and arbitrary arrest and detention of persons critical of the authorities reportedly continue. The Government maintains its constant widespread interference in the affairs of its citizens through its system of police informers, electronic monitoring, mail censorship, and control of information. Basic human freedoms continue to be abridged. With legitimate areas of free expression closed off to Bulgarian citizens, several instances of terrorism in 1984 posed an ominous new feature on the Bulgarian scene. Bomb explosions at the Plovdiv railway station, Gorna Oryakhovitsa post office, and Varna airport, which caused multiple casualties, seem to have been politically inspired.

Concerted industrialization of Bulgaria's primarily agricultural economy got under way only in the postwar years. As the executor of this economic modernization, which brought increased urbanization and a rise in living standards, the Communist Party has taken credit for Bulgaria's emergence into modernity.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

### a. Political Killing

Although there were no reports in 1984 of politically inspired killings by security forces or anti-regime groups, Bulgaria's tight control of its information media renders it impossible to assess whether such killings have occurred.

Three executions were publicly announced in 1984, including that of Plamen Antonov Penchev. He had been convicted of sending a package bomb which killed several persons at the Gorna Oryakhovitsa train station post office in April 1984. His death sentence was announced in July, and a Bulgarian official said in August that Penchev had been executed. The other two announced executions were for armed robbery.

b. Disappearance

No cases of disappearance in 1984 at the hands of official or quasi-official security forces have come to light.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Beatings continue to be a feature of imprisonment in Bulgaria, according to 1984 reports by dissidents and their families. Political prisoners, who are usually intellectuals, are detained together with common criminals and subjected to brutal treatment by these elements as well as by guards. These practices are confirmed by veteran inmates from various prisons. Three inmates at the Central Prison in Sofia were allegedly shot in early 1984 when they failed to respond to a command in the prison courtyard.

At the Razvigor Street Jail in Sofia, prisoners are held two to a cell during the pretrial investigation stage. The cells measure one and a half by two paces and are furnished only with a plank bed and pallet. Each cell is illuminated around the clock by a single naked bulb. Access to washing facilities is limited, with one shower permitted about every 2 weeks. Latrines consist of a hole in the ground. Only two daily latrine trips are permitted. Toilet paper is severely rationed, and cell walls are smeared with excrement.

Convicts are assigned to the most hazardous jobs at the Devnia Chemical Plant but at rates of pay considerably below those of their coworkers. One Bulgarian dissident characterized the conditions of forced labor at this facility as potentially fatal in a matter of months.

d. Arbitrary Arrest, Detention, or Exile

Bulgarians may be detained, tried, and punished for many actions which are generally considered political in nature. Any type of unauthorized demonstration, public expression of view critical of the Government, or even the simple act of entering a Western embassy can bring detention or arrest. Occasionally, arrestees are charged with having committed a "crime" such as visiting an embassy, although there appears to be no law against such activity. More often, however, they are charged with vaguely-worded political "crimes", or with a common petty crime such as currency violation, or with violation of administrative restrictions on their personal travel.

The principle of habeas corpus exists under the Bulgarian Criminal Code and is followed in most cases. Except for some cases which the Government considers politically sensitive, the law provides that preliminary detention is limited to 10 days, and then only whenever evidence indicates some justification for a later indictment. The accused may wait for formal indictment for up to 6 months provided charges have been made. In all cases, according to the law, the accused must be informed of the charges pending against him. The letter of the law is usually, but not always, followed.

Persons may also be subject through administrative regulation to an informal system of detention in which they are detained at their place of residence and must appear at the local police station several times daily to sign in. Another form of punishment is forced change of domicile or internal exile. A person's right to live in a certain town may be revoked, and he may be required to move to a town far away from family, friends, and familiar surroundings. Banished persons are often sent to remote villages to perform agricultural labor. One dissident banished from Sofia in 1984 was denied lodging upon arrival at the place of exile. He spent several weeks living in the open at a public park, where he became ill from exposure. The identity cards of exiles are stamped to note their restriction to a particular locality. Should the exile leave despite these prohibitions, he may face more severe administratively imposed imprisonment.

### e. Denial of Fair Public Trial

Bulgarian law and general practice provide for public trial in criminal cases. Defendants are entitled to counsel, but only after the preliminary investigation, sometimes lasting many weeks, has been completed and an indictment prepared. When legal counsel is finally available to the accused, it often cooperates with the prosecution. In theory, the accused is informed of the charges against him, but recent practice indicates that detainees are often not told precisely under what statutes they are being held.

Special court procedures are followed in cases involving state security. Such trials may be held in camera, as was that of Plamen Antonov Penchev, the convicted bomber at Gorna Oryakhovitsa. The trials of Volodya Nakov and Yanko Yankov, dissidents who suffered exile for contacting Western embassies, were also conducted in secret.

Generally, the Bulgarian penal system follows the letter of the law. However, although the laws themselves are codified and published, numerous procedural and administrative regulations are not. Frequently, such regulations, access to which is restricted, are invoked arbitrarily. The defendant and his counsel have little recourse, since the validity or applicability of the regulation in question cannot easily be verified. These procedural regulations play a central role in the judicial system and enable the Government and its prosecutors to manipulate the circumstances and outcome of trials.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government interferes in the private lives of its citizens in myriad ways. An elaborate system of informers directed by the party and security apparatus, with representation in virtually all workplaces, residential areas, and social organizations, monitors the daily lives of Bulgarians in search of signs of dissidence or other unacceptable behavior.

Sanctity of the home is safeguarded by law, and police may legally search property only with prior permission from a court or prosecutor. However, searches may be undertaken in urgent situations before judicial permission is given.

The Government organizes the private lives of its citizens. Virtually all citizens belong to "mass" political organizations. Children and young adults belong to the Pioneers and Komsomol, while their elders join the Fatherland Front, a mass organization, or, in the case of the elite, the Communist Party. There appears to be strong pressure on all citizens at least to pay dues and become nominal members of these organizations. Those who refuse--an extremely small percentage of the population--are likely to be denied normal promotions and other benefits and to come under official scrutiny.

The Government attempts to insulate the populace from most kinds of contact with foreign non-Communist influence. International mail and telephone conversations are closely monitored, and Western shortwave radio broadcasts have been subjected to periodic jamming. Western publications, except for those of Communist parties, are virtually unavailable. Suspect publications are often confiscated from travelers' luggage before they are admitted to the country. Some persons with valid visas have been denied entry to Bulgaria because objectionable literature was found in their possession.

Foreign citizens, including even family members of Bulgarians, have sometimes been denied the opportunity of staying in the homes of their Bulgarian relatives and friends while visiting the country.

In the case of the Turkish and Pomak minorities, Bulgarian authorities have reportedly even interfered with the normal registration of civil documents. The Pomaks, numbering some 200,000 in Bulgaria, are ethnic Slavs whose ancestors converted to Islam during the 500 years of Turkish rule. Many have kept Muslim religion, habits, dress, and names to this day. According to several sources, Bulgarian authorities have put increasing pressure on Muslim minorities to accept Slavic or Slavicized names and have even refused in some provinces to issue birth and marriage documents, diplomas, and other civil documents to ethnic Turks and Pomaks who refuse to accept Bulgarian names.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The Constitution provides for certain basic rights including freedom of speech, press, association and demonstration, and worship. In practice, these freedoms are circumscribed and are not permitted to be exercised in any way that might weaken Communist Party control. The state controls the press, decides which political organizations may exist, and determines which political demonstrations may take place.

Laws provide for severely punishing anyone accused of criticizing the state. The dissemination of "untruthful remarks which might increase mistrust of state power or cause confusion in society" is proscribed. The divulging of certain information (for example, the size of the foreign debt) is illegal and subject to severe penalties.

Although censorship does not exist officially, the media operate within well-understood party and government guidelines and practices. International news is usually limited to that provided by the government news agency or official Soviet sources. Forbidden topics in the Bulgarian press include unauthorized criticism of party and state leaders, of socialist ideology, and of other socialist countries, particularly the U.S.S.R. All-pervasive party control of the media makes self-censorship by journalists unnecessary. However, self-censorship is practiced carefully by virtually the entire population in all aspects of public life. There have also been instances of interference with academic inquiry in the social sciences.

The public is permitted to send criticism, suggestions, and complaints by letter to newspapers and to National Assembly representatives on a broad range of topics such as inadequate service from public agencies and housing shortages. None of the letters published goes beyond criticism of specific economic or service shortfalls or failure of individuals in government administration. None deals with fundamental questions of how society, the economy, or the nation's political life are structured. Thus the state allows limited criticism and reportedly seeks to investigate complaints and respond to them.

### b. Freedom of Peaceful Assembly and Association

In practice, freedom of assembly is a right granted only to legally constituted organizations and only for approved purposes. Private associations are totally unknown, and the law provides for punishment of anyone "founding an illegal, anti-state organization." Public assemblies are never spontaneous affairs, but rather are party-organized to achieve a particular purpose. The possibility of an unauthorized group demonstration is remote.

Bulgarian trade or labor unions are totally controlled and organized by the Government. Their important political function is to increase public support for the Government and the quality and quantity of production. Members are not in a position to negotiate or strike for better pay or working conditions. Union leaders represent the interests of the management. Bulgarian trade unions organize vacations for workers and look after the general social welfare of their members.

People working as lawyers, doctors, artists, musicians, writers, and academics are represented by professional associations which also have the party-assigned function of controlling their membership. Professional associations are more likely to have contacts with foreign--even Western--professional associations, however, and arrange foreign travel for trusted members to attend conferences and take part in international exchanges.

### c. Freedom of Religion

Bulgaria is a Communist state which officially espouses atheism and discourages religion. Openly expressed religious conviction is incompatible with party membership or the attainment of responsible government position. Nevertheless, a number of faiths do hold services. The Bulgarian Orthodox Church, the state religion before the Communists took power, is the largest and most acceptable in the Government's view. This is in recognition of the Church's historical and cultural role in Bulgarian history, as well as its continuing appeal to masses of ordinary Bulgarians. The Church receives substantial government financial support and in return voices concurrence with government propaganda lines such as on peace and disarmament. The Church is allowed to print a newspaper and sell religious articles such as candles, small jewelry crosses, etc. A Bulgarian Orthodox bookstore sells limited editions of scholarly books on church history, but the number of Bibles in circulation is strictly limited.

Worship services continue to be popular, especially on important holidays such as Palm Sunday and Easter. Authorities tend not to interfere with older worshipers entering churches on these occasions, but in some cases in 1984, youths have been required to have passes to gain admittance. The passes are handed out by local branches of the Communist Youth League (Komsomol). On Easter Eve 1984, militiamen harassed young people trying to enter a neighborhood church in Sofia.

Islam and Judaism are also officially recognized by the state. Ethnic Turks make up the majority of Bulgaria's Muslims, the remainder being Gypsies or Slavic Pomaks. Muslim believers have been inhibited from practicing their religion by the closure of many mosques and by prohibition against religious education of children. Although Sofia's main mosque is being slowly renovated with some government funds, many other mosques throughout the country have fallen into disrepair, been razed, or been converted to other uses. When mosques have been razed, their associated graveyards have usually also been razed, often without a trace.

Muslims have no access to Korans, which are not printed in Bulgaria. A Muslim wishing to undertake the hajj to Mecca would encounter the same barriers faced by any Bulgarian seeking a private trip abroad: currency restrictions and a letter of support from an overseas relative. The Bulgarian press for the past few years has not reported even token contingents from Bulgaria making the pilgrimage to Mecca.

Bulgaria's Jewish minority of about 5,000, mainly middle-aged and elderly persons, is permitted freedom to attend worship services. Jews in Bulgaria have not undergone strident anti-Semitic repression. Sofia's Sephardic Synagogue was provided government funds for refurbishing as a national architectural monument, but work has come to a virtual halt. The synagogue's prayer books are old, with no replacements provided. Bulgaria's Jewish cultural center emphasizes the community's ethnic, not religious, identity. Government slaughterhouses will not cater to the special dietary requirements of pious customers. The Government will not allow appropriate clergy to participate in slaughterhouse operations.

Relations between churches and the Government are regulated by the Foreign Ministry's Committee for Questions of the Bulgarian Orthodox Church and Religious Cults. Although no churches are "licensed", only the Orthodox, Moslem, and Jewish religions enjoy any sort of official support. A number of other religions and sects are allowed to operate churches and congregations in Bulgaria. Included in this group are Catholics, Evangelicals, Baptists, Pentecostalists, Seventh-Day Adventists, Armenians, Congregationalists, and Methodists.

Bulgaria's Roman Catholics are few in number and divided between followers of the Latin and Uniate rites. Church sermons hew closely to topics of personal piety, avoiding social and political issues. During 1983-84 two priests were allowed to study in Rome. Upon their return to Bulgaria, the authorities confiscated Bibles and theological books which they had brought back with them. Two Uniate Roman Catholic nuns are studying theology in Rome.

No religious groups may engage in open proselytizing, and foreign missionary activity is likewise banned. Religious education of children is prohibited, but some youngsters do enter churches with family members for services. Although a Bulgarian-language Bible was printed in 1982, only 2,000 copies were distributed domestically. Most denominations have privately complained about the lack of scriptural materials.

### d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Government controls where Bulgarians live, work, and travel. All Bulgarians carry a personal identity card with them at all times stating their legal place of residence and work. Without this card, they cannot purchase domestic airline tickets, register at a hotel, or seek any kind of social service such as medical assistance. Change of place of residence or work is a complicated process unless the change is at the Government's initiative and convenience. Changing residence to Sofia and other major cities from the provinces is especially difficult because of the desire to limit the size of cities. Travel around the country is unrestricted, except for border areas where non-local Bulgarians are stopped and questioned if they do not have special permission to be there.

Foreign travel is extremely restricted. Bulgarian citizens must have a passport for foreign travel and an exit visa specifying the destination for each trip. If they go to a country not mentioned in the exit permit, they can face serious complications upon their return home. A citizen's application for an exit document is refused most often because travel is deemed "not in the interest of the state." Applications for pure tourist travel to the West are rarely granted except to trusted and highly placed individuals. Travel to Eastern European countries is encouraged.

Emigration is provided for by law, but is rarely permitted. However, the Government occasionally permits members of divided families, including spouses, to join relatives in the West in accordance with the Helsinki Final Act. Since 1983, several of the approximately three dozen American divided family cases were resolved, as were a few cases involving other Western countries.

The Government encourages the repatriation of ethnic Bulgarians residing abroad, although the right of repatriation is not guaranteed. In the summer of 1981, the authorities declared an amnesty for all Bulgarians who had left the country illegally, inviting them to return home without fear of prosecution. Few took advantage of this offer before it expired at the end of 1983. Among those who did, one family had their U.S. passports confiscated by local militia authorities. A new amnesty was announced in 1984. A number of Bulgarian-born foreign residents and citizens do voluntarily return to Bulgaria to live in retirement each year. These repatriates are well treated by the Government. Less fortunate are those involuntary repatriates who are returned from other Communist countries for having attempted illegally to emigrate. Likewise, Bulgaria's policy is to return to their home countries potential refugees from other Warsaw Pact countries who have tried to cross the Bulgarian border into Greece, Turkey, or Yugoslavia.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Bulgaria is governed by a small ruling elite representing the Bulgarian Communist Party. Rank and file members of the party have little, if any, actual political power or opportunity to change the party's policies. Non-party members are virtually denied any role in influencing the policies of their Government or in changing its form.

Political pluralism and free participation in the political process are essentially nonexistent. Domestic opposition to the state or party is dealt with promptly and severely with prison sentences. Premier Grisha Filipov told Austrian journalists on September 26, 1984: "We do not have any opposition. Our national and political unity is important." Opponents and dissidents are not tolerated, he added, since Bulgaria's economic successes are based on this national unity under the party.

Bulgaria has no free elections in the Western sense, although it tries to maintain the appearance of pluralism through the participation of the Bulgarian National Agrarian Union in the Government and National Assembly. The Communist and Agrarian parties, together with labor, youth, and other organizations, comprise the Fatherland Front, an umbrella organization of Communist and non-Communist elements established in 1942. In practice, the Fatherland Front as well as its various organizations are all ultimately controlled by the Communist Party, to which the Constitution gives clear primacy. The Agrarians run separate candidates but do not compete against Communist candidates or face any other opposition. They hold about one-fourth of the seats in the National Assembly, but all votes in the Assembly are unanimous.

The National Assembly, which normally meets fewer than four times a year, has no independent role in governing. No debate of alternatives takes place. The National Assembly has never failed to endorse government policy.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The human rights record of Bulgaria has not been the subject of resolutions by international human rights organizations. Bulgaria has not admitted any independent group to investigate questions of human rights violations, and has not responded to or communicated with any non-governmental human rights group. Although Bulgaria is a member of the UN Human Rights Commission, Bulgarian authorities contend that human rights are strictly an internal matter for each government to resolve. There are no government or private organizations in Bulgaria which attempt to protect individual liberties or observe and report on human rights violations.

Amnesty International has repeatedly commented on human rights violations in Bulgaria. In its 1984 report, Amnesty expressed concern about the imprisonment of prisoners of conscience and two cases of confinement to psychiatric hospitals for political reasons. Freedom House rates Bulgaria "not free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

During the past 40 years, Bulgaria has changed from an overwhelmingly agricultural country to one with a mix of industry and agriculture. Communist rulers have emphasized state ownership of nearly all means of production, rapid economic growth, central control over the economy, and industrial development. The country remains a large producer of agricultural goods, and Bulgarians can sell produce raised on their own private plots. Per capita income in 1980 was estimated at $2,625.

Bulgaria has been successful in feeding, educating, and looking after the basic necessities of its citizens. Its present performance in all of these areas is better than at any other time in Bulgaria's history. All citizens are guaranteed a job. Officially there is no unemployment, although in practice underemployment is widespread. Basic needs are generally met on a non-discriminatory basis, although high party officials and those with access to hard currency may be able to afford superior foreign health care, education, and better food. There are no grounds for charges of discrimination on the basis of sex when it comes to provision of the necessities of life. Although Bulgaria has poor people, there do not seem to be great disparities between poverty and wealth. Success in the Government or party results more in privileges than in great personal wealth.

A system of government facilities caters to the health needs of Bulgarian citizens. Patients do not pay direct fees for medical care, which appears to be of adequate quality. Bulgaria's leaders have expressed concern about the country's low and dropping population growth rate of 0.3 percent in 1984 and have established financial incentives for families to have more children. Despite extensive construction of new public apartment buildings in the past decade, the general housing shortage continues.

Education is free through the university level with a general system of merit selection for university admission. However, certain priorities and privileges go to the children of the influential. Adult literacy is high. The primary school enrollment ratio in 1981 was 132 percent.

Women are guaranteed equal rights with men, and all citizens are declared to be equal before the law, regardless of national origin, creed, social status, education, or sex. Educational and professional opportunities do not discriminate against Bulgarian women. One-half of the openings for university students available each year are reserved by law for women, who consequently are well represented in some of the more prestigious professions such as medicine. However, women continue to be underrepresented in policymaking jobs within the Government, and overrepresented in manual occupations in areas such as farming, light industry, and cleaning and maintenance.

## CANADA

Canada is a constitutional monarchy in the British Commonwealth with a bilingual federal system, parliamentary form of government, and strong democratic traditions. By universal suffrage, voters elect representatives in the multiparty political system at local, provincial, and national levels. Under Canada's decentralized federal structure, specific governmental responsibilities are reserved either to the provinces or to the Federal Government. Each has substantial autonomy in its respective areas of competence.

Religious tolerance and freedom of worship are fundamental to Canadian culture. The diverse ethnic and cultural makeup complements vigorous economic and political pluralism. The media freely express a wide spectrum of opinion. Generally, women participate fully in Canadian society, but there is growing awareness of diverse residual inequalities, particularly economic, which inhibit parity in some opportunities and benefits available to men. Also, the Federal and provincial governments continue deliberations with Canada's native peoples to address recognized longstanding imbalances in the rights and privileges of those groups.

Respect for fundamental human rights in Canada is based on the well-established principle of the rule of law. It is entrenched in the Constitution and expressed in numerous Federal and provincial laws which reflect Canadian political, cultural, and social practices. The Charter of Rights and Freedoms, added to Canada's revised Constitution in 1982, guarantees fundamental rights to everyone. The Parliament or provincial legislatures may enact limited exceptions to certain Charter provisions for up to 5 years (renewable for another 5). Otherwise, the Charter places basic human rights beyond the reach of ordinary legislative action. Although its long-range impact is yet to be determined, the Charter generally is regarded as fulfilling its promise to protect and extend essential rights and liberties. Resort to adjudication by the courts is growing more frequent in instances where infringements are perceived.

Also on the Federal level, statutes such as the Canadian Bill of Rights and the Human Rights Act prohibit discriminatory practices in a broad range of social and economic activities and protect fundamental political and legal civil liberties. However, several statutes, such as the War Measures Act, permit some abridgments of human rights guarantees under special circumstances and have yet to be tested in the courts.

The security services were reorganized in 1984 as the result of an investigation which uncovered illegal activities infringing certain protected civil liberties. Canada's armed forces are under the authority of the elected civilian government and have no role in domestic law enforcement.

The Canadian public and the media are quick to react to any real or suspected encroachment on basic freedoms, not only in Canada but throughout the world. Canada has played a leading role in stimulating global concern over human rights abuses and in working to strengthen international human rights machinery. In 1985, Canada will host the Human Rights Experts Meeting of the Conference on Security and Cooperation in

Europe. Traditionally a place of refuge for victims of oppression in other parts of the world, Canada has welcomed large numbers of refugees in addition to contributing substantial sums for humanitarian assistance.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

There was no politically motivated killing, either by the Government or its domestic opposition, in 1984. Political violence is rare in Canada. Armenian terrorists, however, claimed credit for the attempted assassination of a Turkish diplomat in April 1982 and for the murder of the Turkish military attache in Ottawa in August 1982. Suspects in the earlier incident were arrested in March 1984, but the perpetrators of the latter murder have not yet been identified.

#### b. Disappearance

Secret arrest, clandestine detention, and politically motivated "disappearances" do not take place in Canada.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Legal prohibition of these abuses is respected in practice. Prison conditions generally meet accepted standards. However, Amnesty International in April 1983 investigated allegations of prisoner torture and mistreatment after a 1982 riot in a Federal prison in Quebec. In June 1983, the organization submitted a memorandum to the Canadian Government calling for a full, impartial, independent investigation of the allegations, and the Government undertook an inquiry. Amnesty concluded in March 1984 that there existed "reasonable ground to believe" that the guards at the facility may have tortured or mistreated some prisoners. The result of the Government's inquiry is not yet known.

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution, subject to override provisions, prohibits arbitrary detention and imprisonment. A person has the right to be informed promptly of reasons for his arrest or detention and to retain counsel without delay. Habeas corpus exists and is honored. Accused persons are generally released pending trial. There are provisions for judicial review at specified intervals in pretrial detention cases.

The War Measures Act of 1914, augmented by a 1981 Federal Cabinet order, permits a declaration of a state of emergency with suspension of certain basic civil liberties in the event of war or peacetime crisis. The 1939 Official Secrets Act, which prohibits the private possession, distribution, and publication of information deemed prejudicial to the interests of the state, provides that individuals under suspicion may be arrested without a warrant.

### e. Denial of Fair Public Trial

In civil as well as criminal matters, the presumption of innocence and the right to a public trial are fundamental features of the Canadian legal system. Defendants have the right to counsel of their choice. Persons charged with criminal offenses under Federal law may generally take advantage of provincial legal aid programs subsidized by the Federal Government. These rights and protections are respected in practice. There is, however, public concern over increasing court docket backlogs which are causing long delays in some instances.

The judiciary is an independent branch of government. Judges are appointed by either the Federal or provincial government, depending on the level and jurisdiction of the court. Secure tenure of judges and standards set by provincial law societies contribute to judicial independence and impartiality.

The Official Secrets Act allows for trials under its provisions to be held in camera and includes presumption in favor of the state, although two of the three prosecutions in the last 5 years were resolved in favor of the defendants, and the one conviction was later overturned.

The 1970 Federal Court Act allows a Cabinet minister to deny release of certain categories of information, even if necessary for a person's defense in court.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Criminal Code prohibits forcible entry into a person's home. If a police officer, when not authorized to do so by law, conducts a search without a warrant, he becomes an intruder and is subject to legal penalties. The Charter of Rights and Freedoms also guarantees security against unreasonable search or seizure, subject to the exception provisions noted above.

Upon petition of the Federal Court of Canada and with sufficient justification, a law enforcement official may be granted a "Writ of Assistance," which empowers the official with due cause to enter and search premises without a specific warrant. The writ, usually issued under the Narcotics Control Act, is nonspecific and openended, empowering the particular law enforcement officer to act without a precise warrant throughout his career. A moratorium on issuance of such writs was imposed in 1976, but some remain in force. Considerable public discussion has taken place on possibly altering the terms of reference of the writs or abolishing them altogether.

According to official inquiries, some abuses of personal privacy, including surreptitious entry and the monitoring of telephones and mail, have occurred in the past decade. After public debate, the Government recently restructured and altered the mandate of the security services in an effort to avert such abuses.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The Constitution guarantees freedom of speech and press.

## CANADA

Viewpoints representing the complete political spectrum are argued vigorously in the press, on radio, and television. In most radio and television broadcasts, the majority of the content is required to be of Canadian origin. Subsidized postal rates for Canadian publications provide them an advantage over foreign-owned publications printed and mailed in Canada and those printed abroad and brought into Canada for mailing. Some provinces maintain boards with authority to delete sexually explicit or violent material from films for distribution. Court decisions based on the new Charter have called into question some methods of censorship but have not found the practice unconstitutional in principle.

In the political sphere, during parliamentary sessions, daily debates and question periods are televised nationwide. A similar practice is followed by some provinces.

In July 1983, a Freedom of Information Act came into force, establishing procedures for public access to certain government records. For the most part the measure has been widely welcomed, but there is some criticism of the exemption authority, which accords the Government substantial discretion to prevent release of information.

### b. Freedom of Peaceful Assembly and Association

The Canadian Constitution guarantees freedom of peaceful assembly and association "subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society." Associations representing a full range of political opinion may organize and espouse their views freely.

Canadian labor unions represent 40 percent of the non-agricultural work force and enjoy wide freedom of action. Canadian law recognizes the right of labor in both the public and private sectors to organize, associate freely, bargain collectively, and strike. These rights are well established and recognized in practice, although the Federal Government and several provinces, citing economic circumstances, have passed legislation which limits somewhat the collective bargaining rights of public sector employees. Federal and provincial legislation proscribe discrimination in union membership recruitment and employee hiring. The union movement is politically involved and plays an important role in society and the economy. Many Canadian labor unions are affiliated internationally and participate actively in the International Labor Organization and similar world bodies.

### c. Freedom of Religion

The Constitution recognizes the fundamental freedom of conscience and religion. There is no established religion. All faiths enjoy freedom of worship and religious expression.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Canadian citizens and permanent residents can travel in and outside the country, leave, and reenter. The Charter of Rights and Freedoms in the new Constitution strengthens the right of citizens and permanent residents to establish residence in any province and to take up employment there.

## CANADA

Canada is a principal haven for refugees and has taken a major role in focusing international attention on the causes of refugee problems. Private citizens and voluntary organizations play a large part in Canadian refugee programs alongside government-supported activities. New arrivals enjoy virtually all rights and privileges of Canadians and, after a period in permanent resident status, may become citizens and thereby obtain the right to vote.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Overall governing authority at the Federal level is vested in the House of Commons, whose members are elected by secret ballot through universal suffrage of Canadian citizens 18 years and older, and in a Senate appointed by the Governor General, Queen Elizabeth II's representative as Chief of State. In practice, power is exercised by the Prime Minister and the Cabinet, who usually are elected members of the Commons. The Government, under constant scrutiny by the elected political opposition, vigilant media, and public interest groups, is held accountable for its actions by Parliament and, ultimately, the electorate through the democratic process. Elections for the 282 single-member constituencies must be held at least every 5 years, and participation rates are high. In the 1984 general election, over 12.5 million Canadians exercised their franchise (76 percent of those eligible to vote).

All Canadians have complete freedom to participate actively in the political process. Three politically diverse parties are represented in the House of Commons, and several others function at the provincial level. All provinces and territories have similar freely elected legislatures.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

Canada has vigorously supported efforts to increase the authority of international bodies to investigate and deal with human rights abuses and plays a major role in the UN Commission on Human Rights.

The Canadian Human Rights Commission, established under the 1977 Human Rights Act, is charged with investigating and resolving complaints of discrimination in government and business activities under Federal jurisdiction and combatting discrimination through information, education, and research.

The Canadian Human Rights Act aims at improving protection of disabled persons and at tightening provisions against harassment of women. The Commission continues to advocate changes in legislation affecting indigenous peoples. Each province maintains a similar Human Rights Commission. Because these commissions are becoming overburdened, there is growing concern that individuals face long delays for the resolution of complaints.

A Federal-provincial committee of officials responsible for human rights provides a forum for intergovernmental discussion of matters related to human rights in Canada. Canada's Commissioner of Official Languages reviews public complaints over violations in statutory language rights which guarantee

Canadians the right to deal with Federal institutions in either French or English.

Non-governmental human rights organizations and interest groups actively follow human rights issues in Canada and abroad. The prominent role occupied by human rights considerations in Canada's external relations was reinforced in the March 1984 Annual Conference on Foreign Policy and Human Rights, sponsored by the Canadian Human Rights Foundation and attended by senior government officials and private experts from across the country and abroad. In May 1985, Ottawa will host the Human Rights Experts Meeting, a follow-up to the Conference on Security and Cooperation in Europe, which will review the implementation of provisions on human rights. Amnesty International's 1984 report notes its concern about the possible torture or mistreatment of prisoners (see Section 1.c.). Freedom House rates Canada "free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Food, shelter, health care, and education are available to all Canadians regardless of race, religion, sex, ethnic background, or political opinion. Successive Canadian governments have demonstrated a strong commitment to improving the lot of the poor. Federal and provincial governments administer extensive social welfare programs for which all Canadians qualify, regardless of income. The Federal Department of Employment and Immigration administers a comprehensive program of unemployment insurance compensation which provides old age security payments to more than 2 million Canadians over the age of 65. An equalization system provides for transfers of revenue from the more prosperous provinces to those which are relatively less well-off. Education is free up to grade 13, and all Canadians are covered by a national medical and health insurance program. In 1984, the infant mortality rate was 8.0 per 1,000 live births, and life expectancy at birth was 75.1 years. Canada's per capita gross national product in 1982 was $11,321 for a population of 25,142,000.

Women are increasingly active in Canadian political life. They participate fully in political parties and are represented in Parliament and provincial legislatures, although not in numbers proportionate to the population in most cases. A record 28 were elected to Parliament in the 1984 election. A Cabinet Minister is charged specifically with responsibility for the status of women. A Federal Advisory Council on the Status of Women, consisting of women with distinguished records in business, government, and social service, advises the Minister of Women's Affairs on measures to promote sexual equality within the public service and in Federal legislation. The new Charter of Rights and Freedoms contains a clause specifying that all its provisions pertain equally to men and women.

Nevertheless, entrenched systemic inequities affecting women are of increasing concern to Canadians and their Government. For example, a recently released Federal Government report indicates that women employed full time earned an average of 64 cents for every dollar earned by men in 1982. Although this figure represents an improvement over 1967, when female workers received only 58 cents for each dollar paid to their male counterparts, such statistics have led to serious public debates over policies to achieve wage parity and assure equal opportunity throughout the economy.

Much emphasis has been placed on the fostering of a bilingual multicultural society in which all may enjoy freedom from discrimination while maintaining distinct cultural identities within Canada. The Official Languages Act of 1969 declared English and French to be equal in status, rights, and privileges in all Federal institutions. The new Constitution ensures that most Canadians belonging to either of the official language groups have the right to educate their children in that language wherever numbers warrant. A Minister for multiculturalism is responsible specifically for encouraging the expression of the heritage of ethnic groups and protecting the cultural diversity of Canadian society.

Quebec repeatedly has invoked the "reasonable limits" and exemption clauses of the Federal Constitution in an effort to ensure that the province's own laws and Bill of Rights take precedence. The Quebec Government also retains the power to suspend the Bill of Rights' extensive list of liberties and rights.

In July 1984, Canada's Supreme Court upheld a lower court ruling overturning portions of a Quebec provincial law which the court determined restricted the education and mobility rights of English-speaking students. The decision, which hinged on the "reasonable limits" to fundamental freedoms versus individual rights, marks the first major test of the new Constitution. Other provisions of the Quebec law, including sections prohibiting English-language advertising or use of English in the workplace, remain in force and also have generated controversy.

Other primarily English-speaking provinces have debated the applicability and implementation of the established Federal policy of bilingualism. The Manitoba Government encountered heavy resistance in its unsuccessful attempt to reestablish French language rights in the provincial constitution this past year The issue now is under review by Canada's Supreme Court.

The 1982 Constitution specifically "recognized the existing aboriginal and treaty rights of the aboriginal peoples of Canada" without going into further detail. Furthermore, the Charter of Rights and Freedoms provides that its guarantees shall not be construed so as to derogate from aboriginal rights and freedoms previously recognized or acquired in land claims settlements. Constitutional conferences which included representatives of aboriginal peoples were held in March 1983 and March 1984 to deal with the question of which native rights should be constitutionally protected. More such meetings are scheduled.

The Canadian Human Rights Commission has recommended steps to end sexual discrimination in existing legislation which denies Indian status (the right to tribal membership, and related benefits) to native women who marry non-Indian men. At present, the Federal Government is able to exempt from this denial of status only those Indian tribes which make a specific request for dispensation. According to a report of the Department of Indian and Northern Affairs, native peoples as a group have less access to social benefits provided by the Government and suffer traditional social problems more deeply than the mainstream of the population. Indians obtained the franchise in Federal elections in 1960 and in the provinces during the 1950's and 1960's.

A section of the Charter of Rights and Freedoms, due to take effect in 1985 and subject to override provisions, guarantees equal benefits and protection of the law without discrimination based on race, national or ethnic origin, color, religion, sex, age, or mental or physical disability. The delay in entering into force is to allow the Federal and provincial governments time to review and adjust existing practices and statutes.

# CYPRUS

Cyprus has been divided since 1974 when Turkish military intervention followed a coup d'etat directed from Greece which brought down the elected Government of President Makarios. Since that time, the Government of Cyprus has been able to exercise full control over only about two-thirds of the country's territory. About one-third of Cyprus is governed by an autonomous administration supported by the presence of Turkish military units. On November 15, 1983, this administration declared itself the "Turkish Republic of Northern Cyprus," which is recognized by no country except Turkey. The Turkish intervention of 1974 caused an uprooting of many members of the larger Greek Cypriot population from areas now under Turkish Cypriot control, as well as the smaller Turkish Cypriot population in the Greek Cypriot-controlled south. Both involved loss of lives, homes, and means of livelihood. The Greek Cypriots point to these displacements, as well as to the unwillingness of the Turkish Cypriot authorities to allow resettlement of Greek Cypriots in the north, as the fundamental human rights question in Cyprus today. The Turkish Cypriots assert that the 1974 intervention was legal and point to violations of their human rights under the political system existing before 1974. The subsequent regrouping of the two communities in separate parts of the island, according to Turkish Cypriots, was necessary for their security and for the eventual establishment of a federal structure of government for both communities.

The major human rights problem remaining from previous years is the issue of persons missing during the intercommunal strife of the 1960's and 1970's. Other unresolved problems are property ownership questions, the difficulty of travel between the sectors of the island, and the absence of freedom of settlement. Future human rights improvements in Cyprus will depend upon the ability of both parties to negotiate their differences and to agree on a basis for coexistence.

Despite unresolved issues, both the Government of Cyprus and the Turkish Cypriot Administration are democratic systems based on free elections, which guarantee basic human rights in theory and in practice. Both Cypriot economies are founded on the free enterprise system with stress on private initiative and the rights of property, although the Turkish Cypriot economy provides a far greater role for state enterprises.

## RESPECT FOR HUMAN RIGHTS

## Section 1 Respect for the Integrity of the Person, Including Freedom from:

### a. Political Killing

Political killings instigated by government or opposition groups have not occurred in Cyprus since 1974. Two terrorist murders took place in Cyprus in 1984, both apparently related to internal conflicts within the Palestine Liberation Organization. On May 3, a Palestinian journalist, Hanna Mugbil, was murdered in Nicosia. On May 28-29, Ahmed Suleyman El-Saydy, allegedly a Palestinian fedayeen captain, was killed. No suspects were arrested in the first case, but several Syrian nationals were arrested in the second case and later deported as undesirables although no charges were brought.

### b. Disappearance

Since 1974, there have been no reports of persons abducted, secretly arrested, or held in clandestine detention. However, the issue of persons missing as a result of the intercommunal troubles of 1974 remains a source of dispute between the Greek Cypriot and Turkish Cypriot communities. A Committee on Missing Persons was established under the auspices of the U.N. Secretary General in 1981 to deal with the problem and, after 3 years of procedural disagreements, commenced regular substantive sessions in the spring of 1984. To date, the Committee has made no visible progress in putting the cases of the missing to rest.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Both the Cyprus Constitution and the basic document governing the Turkish Cypriot community specifically prohibit torture. Freedom from cruel, inhuman, or degrading treatment or punishment is guaranteed by law and respected in practice in both communities. Adequate health care is provided in prison and detention facilities, and diet is considered normal. Family members may visit those in detention. After sentencing, prisoners may be visited once a month, or more frequently where humanitarian needs exist. Attorneys may visit prisoners freely.

### d. Arbitrary Arrest, Detention, or Exile

Freedom from arbitrary arrest and detention is guaranteed by law and respected in practice by both the Government of Cyprus and Turkish Cypriot authorities. The right of habeas corpus is observed. Preventive detention does not exist in law, nor has it been reported in practice. No individual may be held for more than 3 days for investigation of a crime without referral of the case to the court for extension of the period of detention. Most periods of investigative detention do not exceed 8 or 10 days before formal charges are filed. No instance of exile was reported. There are no political prisoners on Cyprus.

### e. Denial of Fair Public Trial

In both communities, fair public trial is guaranteed by law. The judiciary is independent of executive or military control. Cases are generally tried before a judge or panel of judges, although a request for a jury trial is usually granted. There are no special courts to deal with security or political offenses. Civilians are not tried by military courts.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Both the Cyprus Constitution and the basic document governing the Turkish Cypriot community provide guarantees protecting the individual against arbitrary interference. A judicial warrant is required, for example, for an official to enter a private residence. Abuses of privacy run counter to the democratic traditions of both communities. However, Turkish

Cypriots complain that mail coming through the Government of Cyprus postal system is often delayed, opened, or not delivered.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

These rights are guaranteed by law and are widely and freely practiced. The press is free throughout the island, and it represents the entire political spectrum. Opposition papers frequently criticize both the governing authorities and their own leadership. There is no press censorship.

Radio and television in south and north Cyprus are controlled by the Greek Cypriot and Turkish Cypriot authorities respectively. Although opposition and minority parties complain--not without cause--that they do not receive sufficient attention in the local media, the proliferation of party and independent newspapers in both communities enables their ideas and arguments to circulate easily.

### b. Freedom of Peaceful Assembly and Association

The right, based on law, to associate, organize, and hold meetings is respected in practice. Trade unions and confederations, both non-Communist and Communist, are free to organize on both sides of the Green Line, which divides the island between the two communities. Labor authorities are required by law to mediate disputes in cases which cannot be solved through normal collective bargaining. All Cypriot workers are permitted to strike, although the Turkish Cypriot community "legislature" has the power to invalidate a strike for a specific period of time. Two strikes in the Turkish Cypriot area, one in citrus packing houses and one in the "state" tourism industry, were declared illegal in 1984. In both cases, the strikes were quickly settled through the intervention of the "Ministry of Labor and Social Security." The unions charged that the invalidation of their strikes, which occurred at the height of demand in seasonal enterprises, hurt their bargaining ability.

Unions on both sides freely take part in international meetings. The Government of Cyprus has taken a particularly active role in the International Labor Organization. Labor unions, more than most other organizations on Cyprus, attempt to maintain contact and cooperation across the Green Line.

### c. Freedom of Religion

Freedom of religion exists in Cyprus. However, the Greek Orthodox Church in the south has the character of a state institution due to the historical role of the leader of the church, the ethnarch, as the spiritual leader of his people. The non-Greek Orthodox in the south enjoy certain advantages, chiefly exclusion from compulsory military service. As a result of the population exchange following the events of 1974, there are approximately 100 Turkish Cypriots still living in the south, who are allowed to practice their religion freely. In the north, non-Muslims include members of the Christian Maronite minority, a small number of remaining Greek Cypriots, and foreign residents, all of whom are free to practice their religion. Apart from the fact that members of the minority cannot serve in the Greek Cypriot armed forces, there is no discrimination based on membership or lack of membership in a particular faith.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Turkish Cypriots and Greek Cypriots enjoy general freedom of movement within their respective areas. Turkish Cypriot authorities restrict travel into or out of the Turkish Cypriot area. They bar Greeks and Greek Cypriots from entering the north and Turkish Cypriots from visiting the south, except when traveling for humanitarian, medical, or other special reasons. The applications of Greek Cypriot residents to visit the south are usually granted but they are generally not allowed to return. Foreigners coming from the south must obtain advance permission to enter the north. Greek Cypriot authorities also restrict the travel of foreigners. They may bar the entry into the Greek Cypriot area of foreigners who arrive at Turkish Cypriot ports or who stay overnight in the north. Special regulations apply to journalists.

The right to travel abroad and to emigrate is observed, although in both communities individuals facing military service or legal action may not be allowed to travel. Turkish Cypriots have difficulty in traveling to some countries because their travel documents, issued by the Turkish Cypriot authorities, are not recognized by most countries, including the United States. Citizens may repatriate freely, although both Greek Cypriots and Turkish Cypriots returning from long stays abroad may be liable for military service if this obligation previously has not been met.

Some refugees from Turkey and Eastern Europe come to Cyprus and are usually sent on to third countries as soon as arrangements for their resettlement can be made.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Both the Government of Cyprus and the administration of the Turkish Cypriot community are democratically elected by their people. They have lively multiparty political systems in which parties, actively and without restriction, compete for popular support. Greek Cypriots and Maronites living in the north--the latter having chosen before 1960 to be regarded as members of the Greek Cypriot community--do not participate in Turkish Cypriot elections, but elect their own village officials. They are eligible to vote in Greek Cypriot elections but must make their way to the south in order to exercise their right.

Women are less active in politics than men in both north and south, although this is due to custom rather than any legal impediment. No women in the north and only one in the south are members of Parliament, nor are there currently any women of ministerial rank in the north. A woman serves as Attorney General in the Republic of Cyprus Government. Two women currently serve as under secretaries in the Turkish Cypriot administration.

## CYPRUS

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

Cyprus participates actively in the work of the U.N. Commission on Human Rights. For several years the question of human rights in Cyprus, as it relates to the events of 1974, has been on the Commission's agenda but, by agreement of the parties directly concerned, has been regularly postponed. However, the Greek Cypriot Government raised the still unresolved question of missing persons, alleging that some 2,000 Greek Cypriots have remained unaccounted for since the events of 1974. The Committee on Missing Persons, established under U.N. auspices in 1981, began regular substantive sessions in the spring of 1984 to determine the fate or whereabouts of the missing. Representatives of international human rights organizations have open access to both the south and the north.

Amnesty International did not mention Cyprus in its 1984 report. Freedom House rates the Greek Cypriot portion "free," while it rates the Turkish portion "partly free" because of the Turkish military occupation.

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The Greek Cypriot economy is free enterprise oriented, with minimal government participation or regulation. The economy is based on manufacturing, trade, tourism and services, construction, and agriculture, with per capita gross national product at about $3,800. The Turkish Cypriot economy, closely linked to that of Turkey, is a mixture of state-owned and private enterprises. It suffers from problems similar to those in Turkey, including high inflation, low investment, and significant underemployment.

Food, shelter, education, and health care are available to members of both communities regardless of race, religion, ethnic background, or political opinion. Both societies are essentially middle class, with a small but prominent wealthy segment. Housing is adequate and is available for displaced persons. Most Cypriots are covered by a national health service scheme organized by their respective authorities. Illiteracy is virtually unknown among persons below the age of 55. In both communities, the legal status of women is identical to that of men. However, custom has retarded the full participation of women in all aspects of public life. Politics, for example, has traditionally been a male preserve in both communities. Through changing attitudes and increasing contact with the outside world, however, women are experiencing increasing mobility.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: CYPRUS

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 15.0 | 15.0 | 15.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 15.0 | 15.0 | 15.0 |
| A.AID ................ | 15.0 | 15.0 | 15.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 15.0 | 15.0 | 15.0 |
| (SEC.SUPP.ASSIST.)... | 15.0 | 15.0 | 15.0 |
| B.FOOD FOR PEACE....... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.0 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 15.0 | 15.0 | 15.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 15.0 | 15.0 | 15.0 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 27.0 | 34.3 | 43.8 | 288.4 |
| IBRD | 12.2 | 26.2 | 43.8 | 242.7 |
| IFC | 2.5 | 0.0 | 0.0 | 6.1 |
| IDA | 0.0 | 0.0 | 0.0 | 0.0 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 0.3 | 0.1 | 0.0 | 18.8 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 0.8 |
| EEC | 12.0 | 8.0 | 0.0 | 20.0 |

## CZECHOSLOVAKIA

The Czechoslovak Socialist Republic is a centralized Communist state in which the Communist Party leadership decides all important political, economic, and social questions, and determines the scope of individual human rights. There has been no change in the top leadership since the purges of 1969-71, when about half a million supporters of Alexander Dubcek and the Prague Spring were expelled from the party and dismissed from their jobs.

The regime does not tolerate initiatives independent of the Communist Party, even if they are apolitical. People whose private initiatives have triggered state harassment in 1984 include jazz musicians, peace activists, and Roman Catholics who circulated petitions to invite the Pope to visit Czechoslovakia.

As in previous years, the harshest repression has been directed at religious activists, and at individuals and groups who monitor human rights abuses in Czechoslovakia. The latter include: VONS (Committee for the Unjustly Persecuted); and signatories of Charter 77, a document issued in January 1977 and signed by over 1,000 Czechoslovak citizens calling on the Czechoslovak Government to honor its human rights obligations. In 1984, the Czechoslovak Government sought to avoid major trials of well-known figures that would attract unfavorable publicity. It relied instead on more subtle forms of repression, including arrests of lesser-known individuals, frequent detentions and interrogations, intrusive surveillance, forced emigration, discrimination in employment, and denial of education opportunities to the children of dissidents. A new technique in 1984 was the implementation of an onerous regime of "protective supervision" against several released political prisoners. Under "protective supervision" the former prisoners' movements and activities are severely restricted, making it impossible for them and their families to lead a normal life.

Czechoslovakia has a well-funded and abundantly staffed security apparatus, directed by the Ministry of the Interior and the Communist Party hierarchy. This apparatus includes a uniformed police force (public security) which fulfills much the same role as a Western police force, and a secret police force (state security), which deals with people it judges to be past, present, or future opponents of the regime. This powerful internal security force is one of the main pillars of the party's control.

The Czechoslovak economy is centrally planned and allows little or no private enterprise or ownership in manufacturing, retail operations, agriculture, or services. When the Communists took power in 1948, Czechoslovakia had one of the most advanced economies in Europe, one that had escaped much of the destruction of World War II. But in recent years the economy has stagnated, burdened by excessive central planning, obsolete equipment and infrastructure, and a lack of incentives for innovation and initiative.

# CZECHOSLOVAKIA

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

### a. Political Killing

There have been no reports or allegations of political killings in Czechoslovakia in 1984.

### b. Disappearance

There have been no reports or allegations of disappearances in Czechoslovakia in 1984.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Although the Constitution states "inviolability of the person shall be guaranteed," there are numerous reports of the beating of detainees during interrogations. Reports of mistreatment have been most frequent in political cases. Beatings have also been reported in places other than police stations under circumstances that led the victims to believe that police or security officials were responsible.

Prison conditions in Czechoslovakia are poor and sometimes approach a level of cruel and inhuman treatment, especially under the the "third category" of imprisonment (harshest regime), which is often applied to political prisoners. In general, cells are small and unheated; family visits are strictly limited; and prisoners report that they receive such punishments as reduction in pay and limitations on free time, bathing, and exercise periods for failing to meet unrealistically high work standards. Diet and medical facilities are reliably reported to be deficient; as a result, several people have left jail in seriously debilitated condition.

Prisoners or former prisoners who make public complaints of mistreatment are severely punished. In December 1983, Jiri Wolf was charged with "divulging state secrets" and sentenced to 6 years (harshest regime) for reporting on harsh conditions in Minkovice and Valdice prisons, where he had previously been imprisoned. In January 1984, Frantisek Hanzlicek was sentenced to 10 months because he complained that police used physical force to get him to confess to possession of drugs. In June, Jiri Gruntorad was given an additional 14-month sentence for complaining of a beating by a prison guard.

In its July 1982 meeting, the World Psychiatric Association accused Czechoslovakia of misusing psychiatry for political purposes, causing Czechoslovakia to resign its membership in the organization. Several cases of abuse have been documented in recent years, but it does not appear to be a widepsread practice.

### d. Arbitrary Arrest, Detention, or Exile

Individuals in Czechoslovakia are frequently arrested, detained, or subjected to searches and interrogations for expression of views contrary to those of the regime. In general, arrests are couched in legal terms and carried out with warrants. Although searches, detentions and interrogations are usually performed with warrants, in many recorded instances they have been carried out in contravention of Czechoslovak law. Under the law a person may be detained for up to 48 hours without charge, although in practice this limit is often exceeded. It is normal for political activists to be detained repeatedly for 48 hours at a time and then be released without being charged. Searches, detentions, and frequent interrogations are among the tactics used by the regime when it has decided to persecute, rather than prosecute.

According to the law, if the authorities decide to press charges, the detainee may be held for 60 days in investigative detention. This period can be and often is extended at the request of the prosecution. Miklos Duray, a well-known activist for the Hungarian minority in Czechoslovakia, was arrested in Bratislava on May 10, 1984, and after 6 months has still not been brought to trial. Several current political prisoners, including Rudolf Battek, Ivan Jirous, Jan Wunsch, Stanislav Kolar, and Antonin Kunrt, were held in investigative detention for 6 months or more before being brought to trial. The number of persons now being held in pretrial detention is difficult to estimate. The number is probably fewer than 100, but it can fluctuate substantially.

Generally, persons arrested for expressing views opposed by the regime are charged with "subversion," "incitement," "defamation of the Republic," or "damaging the interests of the Republic abroad." Individuals who have maintained unauthorized contacts with foreign diplomats have on occasion been charged with "espionage." People arrested for religious activities are usually charged with "obstructing state control of religion" or "abuse of religious office." Many of these articles of the criminal code are so elastic that they could encompass almost any activity.

Internal exile and house arrest have not been imposed formally in Czechoslovakia since the 1950's. In 1984, however, for the first time, the Czechoslovak Government introduced a regime of "protective supervision," which combines features of both, on released political prisoners. In the best known cases, Charter 77 activists Ladislav Lis and Jiri Limomisky are required to report daily at a specified time, 7 days a week, to a local police station. Tardiness of more than 5 minutes is punished, and 3 violations can lead to additional sentences. In May, Lis was given a 3-month sentence for a minor infraction. They must provide information on all employment and salaries, observe very tight curfews, and obtain prior permission to travel outside their places of residence. They--as well as any guests found in their homes--are subject to searches at any time. Terms of 2 to 3 years' protective supervision have been imposed on other political prisoners scheduled for release in 1985, including Rudolf Battek, Ivan Jirous and Vaclav Soukup.

Forced exile has also been used by the Czechoslovak Government to rid itself of critics. In some cases people who had been working or visiting abroad with official permission were stripped of citizenship and refused the right to return. Many Charter 77 signatories, as well as people active in artistic and intellectual fields, are reluctant to accept invitations from Western institutions for fear they will not be allowed to return to Czechoslovakia.

Forced exile is often aimed against people who have already served a jail sentence. Upon their release, or while still in prison, they are pressured to emigrate. If they refuse, they and their families are denied jobs and schooling, harassed, and threatened with rearrest. Frequently, after a year or more of this treatment, these ex-prisoners apply to emigrate.

### e. Denial of Fair Public Trial

According to Czechoslovak law, people charged with criminal offenses in Czechoslovakia are entitled to a fair and open public trial. The law provides that the accused has a right to be informed of the charges against him, to have counsel, and to present a defense. However, the practice is quite different, especially where political offenses are concerned. In political cases, only immediate family members of the accused are permitted to attend. Representatives of the press, diplomatic corps, and friends of the defendant are routinely barred. When there is no immediate family (as in Jiri Wolf's trial in December 1983), the trial is for all practical purposes a closed one, and friends of the defendant are likely to have great difficulty in obtaining information on the proceedings.

Court-appointed lawyers do not always vigorously represent their clients. Defense witnesses are sometimes prevented from testifying. Defense attorneys who have defended their clients with vigor have been disbarred and occasionally prosecuted. Defendants do exercise their right to defend themselves in court, and occasionally have the charges dismissed or reduced at the original trial or on appeal. But an appeal can also result in an increase in the sentence or addition of charges.

The judiciary is not independent of the Government and Communist Party. In theory, judges can be removed only by the Federal Assembly (Parliament) or by either of the Czech of Slovak National Council. In practice, they are subject to more direct control and supervision by the Communist Party, to which most judges and lawyers belong.

The number of political prisoners in Czechoslovakia is difficult to estimate. Human rights groups within Czechoslovakia have documented some 30 cases currently in prison, but they believe that the total figure is closer to 300. In almost all of the documented cases, the prisoners have been sentenced as a result of their political or religious activities or beliefs, or for disseminating information outside of official channels. None is believed to have used or advocated the use of violence. The undocumented cases include Jehovah's Witnesses, people caught trying to leave the country without permission, and others who believe that publicity would only worsen their plight. The Government does not admit to having political prisoners, and accurate statistics are impossible to obtain.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Czechoslovak Government does not accept the concept of a sphere of private life independent of government interference. Not only does it seek to gain control over leisure-time activities, but it also grants itself full rights to interfere with privacy of communications.

Those who are considered opponents of the regime bear the brunt of heavily intrusive surveillance. They, their families, and friends are routinely subjected to such measures as bugging of homes, tapping of telephones, and monitoring and destruction of mail. Discrimination in education and employment is regularly practiced against the families of dissidents and religious activists. After 16 years few of the half million Communist party members who were purged in 1969-71 have been "rehabilitated" and allowed to return to their jobs. Many of their children have faced discrimination in education and employment. Children of Charter 77 activists Jiri Dienstbier and Vaclav Benda have been denied entrance to high schools of their choice. Fear that their children will be denied higher education is a major factor in preventing open dissent among intellectuals and white-collar workers.

A special problem exists for religious believers who wish to raise their children in their faith. Organization of religious instruction or ceremonies in private homes is forbidden. It was reported that at least one priest lost his state permit in 1984 because he provided educational materials to a woman who wanted to teach her children about religion. Parents must seek the permission of the local authorities for their children to receive religious education at school. However, many Czechoslovak citizens believe that such a request could be damaging to a child's future education and career prospects.

Contacts with individuals and receipt of information from the West are discouraged. Czechoslovaks in many professions are required to file a report each time they have a conversation with a Westerner. Broadcasts of Radio Free Europe in Czech and Slovak are jammed in Prague and other major cities, although they can often be heard in rural areas. Voice of America, BBC, and other Western broadcasts are not jammed. Many people who live near the western or southern borders are able to receive West German or Austrian television broadcasts.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Although the Czechoslovak Constitution provides for freedom of speech and press, in practice these freedoms do not exist. The Constitution states that they must be exercised "in accordance with the interests of the working class." In effect, individuals may not voice opinions publicly that differ from party policy or question the legitimacy of party rule, the fundamental principles of the "socialist" state, or the regime's relationship with the Soviet Union. Likewise, academic freedom is severely limited by political directives.

In order to publish, writers must belong to the state-controlled Union of Writers. All newspapers and magazines are published by political parties or mass organizations (e.g., the Youth League, Revolutionary Trade Union Movement, or Sports Federation) which are controlled by the Communist Party. All legal religious literature and periodicals come under Communist Party supervision. Publishing houses and the news media, all state-owned, are self-censored under Communist Party guidelines. In cases where insufficient care is exercised, fines are imposed or editors may be fired.

## CZECHOSLOVAKIA

Only a limited number of Western non-Communist periodicals are allowed into the country, and they are beyond the reach of ordinary citizens. Since the early 1970's libraries have restricted access to Western publications of a political character to individuals who have obtained special permission from their employers, documenting their need for the material for official purposes. Periodicals such as Time and Newsweek are locked in cabinets controlled by special personnel. Books and periodicals published within Czechoslovakia during the 1968-69 period or other publications considered ideologically "harmful" are subject to similar controls.

Printing and photocopying equipment, except typewriters, are controlled by the Ministry of Interior and cannot be legally obtained by individuals. Reproduction of printed materials is limited to 11 typewritten copies. For this reason, samizdat (self-published) materials are usually "published" by a chain of typists, each of whom produces the legally permitted 11 copies.

### b. Freedom of Peaceful Assembly and Association

Although freedom of assembly is protected in theory by the Constitution, it is tightly controlled in practice. Public meetings may be held only with permission of the police, and this permission is given only when the meeting supports state objectives. When the authorities wish to have a large rally (May Day or "peace" demonstrations), people are often pressured to attend.

All labor unions and professional groups are controlled by the Communist Party and are subordinated to it. Independent organizations are banned. An abortive attempt to form an independent trade union in the early 1980's was suppressed. At least one Czech (Jan Wunsch) is still in prison charged with "subversion" because of his contacts with and support for the Polish independent trade union Solidarity.

Membership in the official trade unions or professional associations is virtually obligatory for workers and those seeking to practice a profession. Strikes, collective bargaining, and lobbying are not permitted. Workers have little influence over production or economic planning, although they have had occasional successes in bringing about improvements in working conditions at the local level and in reducing production norms.

The right and duty to work are guaranteed in the Constitution. In practice, people who are considered dissidents have difficulty retaining professional positions and are often forced into menial jobs, a practice which was condemned by the International Labor Organization (ILO). The same fate has befallen individuals purged from their jobs because they were considered politically unreliable.

### c. Freedom of Religion

The Government espouses "scientific atheism" as the only valid system of belief. Freedom of religion is provided for in the Constitution but is strictly limited in practice. Those who practice religion openly are effectively disqualified from advancement in many fields, although this is less true in Slovakia, a more traditionally Roman Catholic area, than in the Czech lands.

## CZECHOSLOVAKIA

In order to function legally in Czechoslovakia, a church must be officially registered. Religious groups that emphasize proselytizing, such as Jehovah's Witnesses and Mormons, are banned outright, and their members suffer frequent harassment and arrest. Jehovah's Witnesses have been reported in several prisons, but they shun publicity, so there are no reliable estimates of their number.

The Roman Catholic Church, which claims 11 million (at least nominal) adherents, is the largest of Czechoslovakia's 18 officially registered religious bodies. The official press occasionally acknowledges that alongside the registered Catholic Church there exists an "underground Church" in Czechoslovakia, made up of secretly ordained priests and bishops, laymen and laywomen, and members of religious orders. Male orders are banned; female orders may exist legally but have not been allowed to accept new members for some time. There are no reliable estimates of the size of the "underground Church."

State control over the Catholic clergy begins in Czechoslovakia's two remaining seminaries (in Litomerice and Bratislava) where students, whose number is limited, need state approval to be admitted and to be ordained. In addition, the state must approve each priest's assignment to a parish or higher office. As a result of these restrictions, many priests have to cover more than one parish, and only 3 of Czechoslovakia's 13 dioceses have resident bishops.

"Pacem in Terris," the state-sponsored "peace association" of clergy has been a major instrument of state control over the Catholic Church since it was founded in 1970. The association has been losing ground since 1982 when the Vatican banned clergy participation in political organizations worldwide. Although Cardinal Tomasek and the overwhelming majority (as much as 80 percent according to one report) of the clergy in the Czech lands and Slovakia have disassociated themselves from "Pacem in Terris," priests associated with the organization have retained control of Katolicke noviny (Catholic News), the only legally published Catholic newspaper.

The printing of religious literature is severely restricted, and Bibles are in short supply. A Czech-language Bible was published several years ago, but it has long since been sold out. There are no known plans for another printing run of the Bible. The gap is filled by Bibles smuggled in from abroad and by samizdat. Despite harassment and occasional prison terms for the "publishers," some 700 titles have been "published" on religious themes in samizdat.

Activities and public statements by priests, including sermons and homilies, are closely monitored by the state. Priests who oppose "Pacem in Terris" or are believed to be associated with the "secret Church" are subject to harassment, which may include revocation of their licenses and/or prosecution on charges of "abusing religious office" or "obstructing state supervision over churches and religious societies." Two Catholic priests, Josef Kajnek and Adam Rucki, are known to have had their licenses revoked in 1984. There are no reports of large-scale detentions of Catholic activists in 1984, as there were in 1983. However, there have been complaints of mistreatment of individuals who gathered thousands of signatures on petitions inviting the Pope to visit

Czechoslovakia in 1985. Travel by official religious leaders to and from Czechoslovakia is usually authorized.

The numerous Protestant denominations registered by the Government operate under similar constraints as the Catholic Church: proselytizing is forbidden; religious education is strictly forbidden and may not be organized in private homes; religious ceremonies are restricted for the most part to church premises (although some traditional pilgrimages are permitted); and education of clergymen is carefully limited. Protestant clergymen active in Charter 77 are subject to particular harassment: at least two ministers had their licenses revoked in 1984.

The Jewish community, measuring several thousand, has a central religious organization, financially supported and controlled by the Government. There are synagogues and prayer houses open for worship. In addition, in Prague, there is a Jewish Museum operated by the state. There are no Jewish schools or rabbinical seminaries, but there are two rabbis, one in Prague and one in Bratislava.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Except for the restrictions imposed on political prisoners under the "protective supervision" regime, freedom of movement within Czechoslovakia is generally not restricted, although travel in some areas near the western and southern borders or in the vicinity of military installations is prohibited.

Travel to Western countries is difficult since travelers must obtain permission and, unless visiting close relatives, a hard currency authorization. The number of such authorizations issued each year is far below the demand. Travelers to the West must usually leave some member of the immediate family at home to insure their return. These restrictions are often relaxed for retired persons.

Travel by citizens of Czechoslovakia to other East European countries has become more difficult in recent years. A special passport is now required for trips to Yugoslavia, but so far this has failed to reduce the number of Czechoslovak citizens who defect to the West via Yugoslavia. Travel to Poland has been severely restricted since 1981. The restrictions were moderated somewhat in 1984 to permit group travel, visits to immediate family, and travel for humanitarian or medical purposes. Travel to Hungary has been made more difficult by limiting the amount of currency which may be exchanged and the number of trips which may be made in one year. Citizens who are deemed politically "unreliable" may find that they not only are denied permission to travel to the West; they also cannot visit other East European countries.

The right to emigrate is extremely limited. It is generally enjoyed only by those wishing to join a foreign citizen spouse, or in the case of retired persons, foreign citizen children abroad. Others wishing to emigrate find their applications accepted only in rare circumstances, and then only after a long and arduous wait. Those who do apply may suffer reprisals such as demotion or loss of employment after application. Czechoslovakia occasionally denies the right of repatriation by stripping the citizenship of those citizens it wishes to keep out. Emigration passports are not valid for return without special endorsement, and in some cases permanent exile is a condition for emigration or study abroad. Many former Czechoslovak citizens who wish to visit their former homeland are denied visas. In 1984, the daughter of Charter 77 activist Jiri Dienstbier was permitted to accept a scholarship for university study in Austria (after being denied the opportunity to continue her education in Czechoslovakia). To get permission, however, she was required to relinquish her Czechoslovak citizenship.

The only significant refugee group within the country is composed of Communists who have fled from non-Communist countries. The largest group in this category are Greeks, but others including Spaniards and Indonesians are known to reside in Czechoslovakia. There are no known instances of forced repatriations from this group. There is a moderate outflow of refugees from Czechoslovakia, primarily persons who leave the country legally on vacation to non-Warsaw Pact countries and do not return. This may amount to about 10,000 people annually, but precise statistics are unavailable.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

All significant decisions regarding the Government, the economy, and society are made exclusively by the leadership of the Communist Party. Through its apparatus, the party leadership also determines who will be placed in decisionmaking positions not only within its own ranks, but also throughout the structures of state authority, economic decisionmaking, the media, and mass organizations. Real power is enjoyed by only a few top-level officials in the party Presidium and Secretariat.

Ordinary citizens, especially those who are not party members, have no role in selecting their leaders or in making important political or economic decisions. Four minor political parties are permitted to organize and publish their own newspapers, but must conform their activities to Communist Party directives. All parties, together with the state-controlled mass organizations such as the Youth League, Trade Union Movement, and Women's League are represented in the National Front. This organization is completely controlled by the Communist Party. Among its tasks is the nomination of a single slate of candidates to stand unopposed at all elections. There is little evidence of meaningful public discussion of social, political, or economic issues. The Government has reacted to attempts to democratize the political process by arrest and imprisonment.

Women are equal under the law, and there are small, token numbers of women in the professions and in higher-ranking party, government, and managerial positions. However, there is only one female member of the party Secretariat, and she holds her position ex officio as the Chairman of the Women's League. There are no female federal ministers or ambassadors.

About 600,000 ethnic Hungarians live in Czechoslovakia, primarily in Slovakia along the border with Hungary. The state provides primary education in Hungarian in these areas, as well as Hungarian-language radio and television programs. Hungarians are proportionally represented in federal and local legislative bodies, but are underrepresented in prestigious jobs in the economy and the state apparatus. Miklos Duray, mentioned in Section 1.d., is in prison facing charges stemming from his activities on behalf of Hungarian minority rights.

The Gypsies, who number about 250,000, are the only other sizable minority in Czechoslovakia. They are generally viewed by Czechs and Slovaks as occupying a lower social stratum. There is, however, an increasing number of Vietnamese laborers temporarily residing in Czechoslovakia. A February 1983 Czechoslovak Press Agency release put their number at 30,000.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Czechoslovak Government reacts strongly to expressions of concern about human rights violations in Czechoslovakia either by other governments or by non-governmental institutions. For example, Czechoslovakia's practice of using political criteria in the field of employment and dismissals was the subject of a critical paragraph in the 1983 report of the ILO's Committee on the Application of Conventions and Recommendations. In 1984 the Czechoslovak Government refused to appear before the Committee to discuss the matter. It has delayed or denied visas to members of international human rights organizations such as the Helsinki Watch Committee and Amnesty International. Two groups within Czechoslovakia concern themselves with human rights. One is Charter 77, a group of individuals who signed a document first issued in January 1977 which calls on the Government to honor its commitment to international arrangements on human rights, including the Final Act of the Conference on Security and Cooperation in Europe, as well as human rights guarantees which exist at least on paper in the Czechoslovak Constitution. The second group, the Committee for the Defense of the Unjustly Persecuted (known by its Czech initials VONS), uses public records and reports from friends and relatives of the accused to issue communiques in cases where it believes the police, the courts, or the prisons have abused citizens' human rights. These communiques are distributed to the Czechoslovak authorities. As noted in earlier sections of this report, members of both of these groups, together with the loosely organized network of religious activists concentrated in Slovakia, are targets of considerable persecution by the regime. In its 1984 report, Amnesty International cited its concern over the continued detention of prisoners of conscience in Czechoslovakia, as well as poor prison conditions, persecution of religious activists, harassment of former political prisoners by the authorities, and use of the death penalty. Freedom House rates Czechoslovakia "not free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

In Czechoslovakia, a country of approximately 15.5 million inhabitants, the basic needs of food and health care are met, and the stable, largely urbanized population enjoys a reasonably adequate material existence. Health care is universally available through a national system administered and financed by the Government and paid for in part by employee deductions. There are reports, however, that prompt treatment is only secured through payment of bribes. Average life expectancy at birth is 72.2 years, and the infant mortality rate is 15.3 per 1,000 live births. There are occasional deficiencies of supplies and services, but these are attributable more to economic constraints or management deficiencies than to deliberate neglect of human needs. The average diet is more than adequate, with 140 percent of needed calorie supply for normal nutritional requirements available for consumption.

Education is compulsory to 15 years of age. Literacy is nearly universal. Secondary and university education are free of charge, and opportunities exist for evening study at the advanced secondary and technical levels. However, there are many reports that the selection of students for courses and schools, particularly those leading to more desirable careers, is based on their parents' political standing and reliability. Official policies also deliberately favor children from workers' families in the admissions process. There has been criticism of the insertion of political criteria in admission to higher education.

Czechoslovakia has had a rising standard of living since the end of World War II, but recent figures show a slowing down in the rate of growth. A pension system provides a minimum income; in addition, some retirees are allowed to supplement their pension payments by working. Nonetheless, access to goods and services varies significantly, with elites among Communist Party members, artists, and professional athletes enjoying privileges far above the norm.

About 90 percent of Czechoslovak women of working age are employed. Most of them have lower-paying, less skilled jobs, although they tend to receive pay equal to that of their male colleagues in those positions. There are inconsistencies in the responsibilities women are asked to assume: they are encouraged to join the work force, but are also offered incentives to have children. These incentives have been relatively ineffective, as shown by a population growth rate of only 0.3 percent.

# DENMARK

Denmark is a constitutional monarchy with a strongly established tradition of democratic parliamentary rule. A Cabinet headed by the Prime Minister and accountable to the unicameral Parliament (Folketing) has responsibility for government decisions. The 179 members of the Folketing are elected in free and open elections under a complex system of proportional representation designed to protect the rights of minority parties and to reflect the popular vote. Since late 1982, Denmark has been governed by a 4-party minority coalition led by Prime Minister Schluter's Conservative Party, but it is dependent on support from other parties to maintain a parliamentary majority.

Human rights are highly respected and well protected in Denmark, both in principle and in practice. The Danish Constitution contains provisions which allow one-third of the Folketing to demand that a law approved by Parliament be subjected to a popular referendum. The Constitution also establishes the Folketing's "Ombudsman," to whom any citizen can protest if he or she feels wrongly or unreasonably treated by any Danish national or municipal authority. Women play a leading role in all aspects of public life. (The Danish Constitution was altered in 1953 to introduce the principle of female succession, and Queen Margrethe II ascended the throne in 1972.) Denmark has displayed high concern for the rights of minorities, particularly the indigenous populations of territories such as Greenland and the Faroe Islands, which now enjoy broad powers of home rule. At the global level, Denmark participates actively in a number of international commissions concerned with the protection and preservation of human rights.

## RESPECT FOR HUMAN RIGHTS

## Section 1 Respect for the Integrity of the Person, Including Freedom from:

### a. Political Killing

Danish authorities do not engage in political killings.

### b. Disappearance

Abductions, secret arrests, and clandestine detentions are prohibited by statutes which are respected in practice.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Protection against torture and inhuman treatment is guaranteed by law and respected in practice. In 1983, a rehabilitation and research center for torture victims was established in Copenhagen. The center, which was opened with a grant from the Carlsberg Foundation, is the first and only medical facility specializing in the treatment of physical and mental trauma associated with torture. The center has primarily limited its treatment to the refugee community. An estimated 150 foreign torture victims obtain asylum in Denmark yearly. Most of those treated have come from Latin America, Africa, and Asia.

### d. Arbitrary Arrest, Detention, or Exile

No person in Denmark can be deprived of personal liberty without due process of law. Arrested individuals must be taken before a judge within 24 hours of detention. The judge has the authority to determine whether the person should be detained in pretrial custody or released pending trial. The Constitution makes provision for bail. Arrested individuals have access to legal counsel of their choice or court-appointed attorneys. Non-Danish speakers are provided with interpreters at government expense. The occasional use of isolation during the pretrial custody period has been criticized in the media. Police authorities maintain that isolation is necessary to protect the investigation, and the system continues to be used, though only in the most serious crimes such as narcotics violations.

### e. Denial of Fair Public Trial

Trials are fair and public. Exceptions to this principle may occur when ordered by the trial judge, who may do so only within narrowly drawn parameters. The most common exceptions in civil cases occur in paternity and divorce trials. In criminal cases, trials are only closed when it is necessary to protect the privacy of the victim, such as in rape or child molestation cases, or when it is deemed necessary to protect the identity of a witness. Danish courts make extensive efforts to obtain the facts of a case, and the rights of the accused are carefully protected. All indigent defendants in Denmark have the right to a court-appointed attorney at government expense. The defendant is free to change the court-appointed attorney.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Under the Danish Constitution, searches of the home, seizure and examination of papers, and breaches of the secrecy of communications are prohibited in the absence of a judicial order, unless a particular exception is provided for by statute. These provisions are respected in practice.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Denmark has a free and open society. An individual may express an opinion in written or oral form on any matter, subject only to the condition that the person can be held responsible in a court of law. Media representatives and private individuals make full use of the freedom of expression. Criticism of the Government or government policy is not a punishable offense, and censorship is not utilized.

### b. Freedom of Peaceful Assembly and Association

Danish residents are free to assemble and form associations for any lawful purpose. Police are entitled to be present at public meetings or demonstrations which could constitute a danger to the public peace. Approximately 85 percent of Danish wage earners are members of trade unions. Under the General Agreement of 1960, workers and employers acknowledged each other's right to organize. Labor agreements and legislation protect the rights of workers and employers and regulate the work environment.

### c. Freedom of Religion

Under the Constitution, the Evangelical Lutheran Church is recognized as the established church of Denmark. However, religious freedom is guaranteed to all residents of Denmark. No one may be discriminated against because of religious beliefs. These laws are strictly enforced in practice.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Danes have complete freedom to travel and to reenter Denmark. Refugees and asylum seekers are provided with travel documents, when needed, which permit return to Denmark. Forced repatriation is not utilized. The new Alien Act of 1983 spells out in detail the rights of aliens in Denmark and provides for appeal procedures when residence permission is denied. An alien directorate was established January 1, 1984, which took over work previously handled by the alien police. Measures designed to protect the rights of potential refugees or asylum seekers include the establishment of a refugee board with authority to reverse decisions of the alien directorate and guaranteeed access to legal counsel and interpreter service.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Denmark is governed by a Cabinet responsible to the Folketing (Parliament). The Prime Minister is appointed by the Queen after consultation with the political parties represented in the Folketing. The present Government, formed in September 1982, is composed of minority parties under the leadership of the Conservatives. Members of the Folketing are selected in open elections in which every Danish citizen 18 years or over may participate. A political party must obtain at least 2 percent of the total vote to obtain representation in the Folketing. Nine political parties with a variety of political beliefs are represented in the current Parliament. The Constitution states that parliamentary elections must be held at least every 4 years.

The Government can be changed by calling new elections or, as happened in 1982, by the resignation of the Government in power and the formation of a new Government composed of parties already represented in the Folketing.

Women actively participate at all levels of the political process. They hold positions of authority in political parties, local governments, and in the national Government. Women head five cabinet ministries (Labor, Interior, Culture, Social Affairs, and Ecclesiastical Affairs) and hold about 26 percent of the seats in the Danish Parliament.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

All Danish citizens and subjects are guaranteed equal protection under the law. The territories of Greenland and the Faroe Islands have home rule governments with broad powers encompassing all but foreign and security affairs. Eskimos freely participate in international ethnic organizations such as the Inuit Circumpolar Conference, which was recently recognized by the United Nations and is based in Greenland. Even though there are periodic disagreements between the home rule authorities and the Danish Government, there have been no accusations of human rights violations made against the Danish Government before any international organization.

Denmark is a party to the International Covenants on Human Rights, the European Convention on Human Rights, and various other conventions designed to promote and protect human rights. Denmark was a member of the U.N. Human Rights Commission in 1980-82. Denmark was elected to the U.N. Commission on the Status of Women in 1983. The Government's commitment to human rights issues is fully supported by the Danish population. Amnesty International does not mention Denmark in its 1984 report; Freedom House rates Denmark "free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Denmark's per capita gross national product in 1982 was approximately $12,472. Social benefits are available to all on an equal basis without regard to race, creed, or political belief. Over 50 percent of the national budget is devoted to welfare, housing, labor, and education. Austerity measures introduced by the present Government have reduced social benefits modestly. However, this step has not materially altered the extensive welfare protection provided to Danish subjects. At birth, Danes can expect to live to 75 years of age. The infant mortality rate is 7.9 per 1,000 live births. All school-aged children, including the handicapped, have access to free public education, and the nation is 99 percent literate.

The Equal Rights Council has worked successfully to eliminate laws and regulations which contained sex discrimination provisions. Women hold positions of authority at all levels of society, and the number in senior positions is increasing. However, the number of unemployed young women (25 years of age or younger) remains significantly higher than the number of unemployed young men of the same age group.

# ESTONIA*

An independent Baltic state between the two World Wars, Estonia was annexed by the Soviet Union in 1940 and became a constituent republic of the U.S.S.R. The United States does not recognize the forcible incorporation of Estonia into the U.S.S.R.

Like the other Baltic states, Estonia is subjected to the same centralized rule, the same Constitution and system of justice, the same restrictions on civil and political liberties, and the same police controls as the republics of the Soviet state. In addition, Soviet policy toward the Estonian nation arouses fear of russification and of the destruction of Estonian values. Because of a low birthrate and the influx of Slavic settlers in recent years, Estonians now make up only 63 percent of the total population as compared to 92 percent in 1939.

Human rights violations appear to have increased in 1984 as police harassment and imprisonment of Estonian national, religious, and human rights activists continue and intensify. Any manifestation of national rights is harshly repressed by Soviet authorities. Attempts to keep religious faith alive are countered by Soviet harassment of religious leaders. Estonians involved in human rights issues have also been severely punished with prison sentences.

The standard of living in Estonia is higher than the Soviet average. In recent years, however, a decline in food supplies and in some consumer goods has caused popular discontent. The manner of Soviet exploitation of Estonian natural resources has also been criticized.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

It is difficult to establish official responsibility for the deaths of persons involved in political dissent. Soviet persecution of those attempting to defend Estonian national rights, however, may lead to their deaths. In March 1981, Juri Kukk, a scientist who left the Communist Party because he had become disillusioned with Soviet policies, died in a Soviet prison camp where he had been on a hunger strike.

#### b. Disappearance

There are no known instances of permanent or prolonged disappearance.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

In Estonia, as throughout the Soviet system, cruel and inhuman treatment of political prisoners occurs during both interrogation and confinement in labor camp, prison, or psychiatric hospital. Physical and psychological abuse of prisoners is common, as is detention under extremely unhealthy or otherwise onerous conditions.

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* Given Soviet control over all aspects of life in Estonia, the human rights abuses described in the report on the U.S.S.R. apply also to Estonia. This report discusses only instances of repression specific to Estonia.

### d. Arbitrary Arrest, Detention, or Exile

Soviet laws are written and interpreted in so broad a manner that persons may be arrested and sentenced for exercising what, in effect, are internationally recognized human rights. On April 19, 1984, Estonian dissident Enn Tarto was sentenced to a maximum of 10 years in a labor camp and 5 years in internal exile for signing several letters condemning Soviet violations of human rights in Estonia and the Soviet invasion of Afghanistan. Mart Niklus, a signer of the August 1979 "Baltic Appeal," was sentenced to 10 years in a labor camp and 5 years in internal exile. The Appeal, issued on the 40th anniversary of the Nazi-Soviet Nonaggression Pact which provided the basis for Soviet annexation of the Baltic states, called for a repudiation of the Pact and the restoration of full self-determination to the Baltic states. In May 1981, Sergey Soldatov, an ethnic Russian who was a founding member of the Estonian Democratic Movement, was forced to emigrate from the Soviet Union.

### e. Denial of Fair Public Trial

Despite guarantees of judicial objectivity in both the Estonian and Soviet Constitutions, the state completely controls the judicial process and, in political cases, arbitrarily decides the outcome of all trials to suit its requirements. No rights of a defendant override the self-determined compelling needs of the state.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Government interference in personal life is pervasive through its use of informers, mail censorship, electronic monitoring of telephones, and other devices. Contacts between Estonians and visitors from foreign countries are strongly discouraged, and those who indulge in such contacts are subject to harassment by the authorities.

Because of similarities between the Estonian and Finnish languages, many Estonians understand Finnish and stay in touch with developments in the West through Finnish radio and television. In 1982, an Estonian newspaper complained about Finnish telecasts and accused Finland of beaming propaganda broadcasts into Estonia. Central authorities reportedly rebuked local officials for their attack on the Finnish Government. Nonetheless, there have been reports that the Soviet Government is jamming Finnish broadcasts, although Estonian residents who wish to receive them are still able to do so.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The Constitution provides for most internationally accepted political liberties provided that their exercise accords with the strengthening and security of the socialist system. In practice, the authorities do not tolerate dissident behavior. All legal means of publication are under the complete control of the party and the state. In March 1983, as part of a wave of arrests in Estonia, three human rights activists, Lagle Parek, Heiki Ahonen, and Arvo Pesti, who were involved in underground publications and human rights issues, were arrested.

### b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right to associate in public organizations, but the authorities subject all associations and organizations to their strict control. Nationalist demonstrations by Estonian high school students in 1980 were forcibly broken up by Soviet security forces which arrested hundreds of persons and charged the organizers with "hooliganism." The Soviet reaction prompted an open letter to the Soviet media signed by 40 Estonian intellectuals. The letter, which the Soviet media did not publish, outlined Estonian grievances, but emphasized that russification of Estonian society was the primary cause of the tensions which had provoked the student demonstration.

Soviet labor law and practice are enforced in Estonia. Although the Constitution guarantees all Soviet citizens the right to form trade unions, any efforts by workers to exercise this right independently of state-sponsored and controlled unions have been brutally repressed. Given Soviet concern that the ideas of the Polish Solidarity movement might spread, this has been especially true in the Baltic states. In Estonia, the party leadership has repeatedly scored local efforts to call strikes at state enterprises.

### c. Freedom of Religion

In spite of constitutional guarantees of the right to profess or not to profess any religion, religious believers are subject to many restrictions. In May, for example, the Estonian Supreme Court sentenced Pavel Vezikov to 2 years in a labor camp for allegedly circulating religious manuscripts. As part of a Soviet program to reduce the authority and activities of the Lutheran Church, many Lutheran pastors have been called in for questioning during the past 4 years, and the professional licenses of several have been revoked. Nevertheless, religious belief on the part of Estonians is strong, as demonstrated by the reportedly large gathering which attended a meeting addressed by Dr. Billy Graham in Tallinn in September 1984.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Soviet authorities do not respect the right of emigration. Although one family that had been seeking to emigrate to the United States for over 6 years was permitted to emigrate, three other families who have waited that long were refused. At least nine Estonian families have repeatedly been denied permission to emigrate to Israel. Emigration is discouraged through intimidation and harassment.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Soviet authorities attempt strictly to forbid political activity outside the framework of the Communist Party. Estonians are, statistically at least, fairly well represented within the party membership, although at the lower levels of the party. In Estonia, ethnic Estonians comprise only 52 percent of the membership as compared to their 63 percent share of the total population.

Beginning in the early 1970's, political activity in Estonia outside the Communist Party has increased. In 1972, a memorandum to the United Nations from the Estonian National Front and the Estonian Democratic Movement asked for the restoration of Estonia's independence through elections supervised by the U.N. A memorandum issued in 1974 supported the previous one and reported the arrest of four persons accused of being associated with it. In 1975, a joint memorandum to participants in the Helsinki Conference called for genuine detente based on respect for human rights and appealed for the restoration of the independence of the Baltic states.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Soviet Government rejects any foreign criticism of its human rights record, maintaining that all internationally recognized human rights are fully protected. Its attitude toward investigation of the human rights situation in Estonia is uncompromisingly negative.

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

By Soviet standards, Estonia's 1.5 million population enjoys a high standard of living and an advanced industry. Soviet statistics for the first 6 months of 1984 show that the rate of growth for industrial production was 4.5 percent and for labor productivity 4.2 percent.

The exploitation of Estonia's oil shale under central Soviet control has provoked sharp criticism in Estonia. Used for thermal energy production and for the chemical industry, the deposits have been exploited at an accelerating rate, although only about a third of the electrical energy produced from this source can be used in Estonia. In addition to the rapid depletion of a national resource, the enormous amount of pollution and environmental damage caused by shale exploitation has aroused concern.

Estonian-Russian tensions are always close to the surface in Estonia; they appear to be increasing as the proportion of the Russian-speaking population grows. One manifestation of this is the reluctance of Estonians to learn or use the Russian language. In 1979, only 24 percent of Estonians said they spoke Russian well, a decline of 5 percent from 1970.

As a result of student demonstrations in 1980 which were forcibly broken up by Soviet security forces, Estonian intellectuals addressed two open letters to the authorities in which russification was a major topic. The second one, in March 1982, complained about the growth of Estonia's Russian-speaking population, the building of Soviet bases, the appointment of officials who took a hard line on nationality questions, and the exploitation of Estonia's resources without Estonian control. In education, the letter said, russification is particularly flagrant. Only token efforts are being made to teach Russian-speaking children Estonian. On the other hand, Estonians are under strong pressure to pursue Russian-language programs. At the university level, particularly in the sciences, courses are often taught in Russian, even when Estonians make up the majority of a class.

In 1984, an assistant to the Estonian Minister of Justice, Valdo Randpere, and his wife, Leila Miller, an Estonian singer, defected to the West citing the russification of Estonia as one of the principal reasons for their departure.

# FINLAND

Finland is a constitutional republic, a democratic state built upon the principle of the rule of law. Sovereign power in Finland rests with the people as represented by their delegates assembled in Parliament. Legislative power is exercised by Parliament. Supreme executive power is vested in the President. A Cabinet, consisting of a Prime Minister and sixteen Ministers and responsible to Parliament, works with the President in governing the country. Judicial power is exercised by an independent judiciary consisting of the Supreme Court and Supreme Administrative Court. The Finnish people freely choose by direct election a 200-member unicameral Parliament every 4 years. They also choose electors every 6 years who in turn elect the President. At present, there are nine political parties represented in the Parliament, four of which form a center-left coalition government.

During 1984, there were no reported violations in Finland of fundamental human rights. The security apparatus is controlled by elected officials and supervised by the courts. National minorities and women enjoy the same economic and political rights as the Finnish majority and men respectively. Individuals are free in Finland to pursue their religious beliefs.

Finland has a mixed economy with state-owned, privately owned, and publicly owned companies. Citizens are free to pursue their legitimate private interests, hold private property, and engage in economic activity without government interference. Aliens in most cases may own real property only with the Government's permission and are prohibited from engaging in political activity.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

Killing for political motives by the Government or opposition political organizations does not occur.

#### b. Disappearance

There were no reported cases of disappearances, abduction, or clandestine detention by official or opposition forces in 1984.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Freedom from torture and cruel, inhuman, or degrading treatment or punishment is guaranteed by law and respected in practice. By law, prisoners must be treated justly with respect for their human dignity and without distinction made on the basis of race, color, sex, language, nationality, religious or political conviction, social position, wealth, or any other grounds.

#### d. Arbitrary Arrest, Detention, or Exile

Freedom from arbitrary arrest and imprisonment or exile is guaranteed by law and respected in practice. A suspect may be detained by the police for questioning for 3 days, but for special reasons not specified in the law this period may be extended for 14 additional days. A suspect may, in the latter case, be kept in custody only on order of an authority with the right to remand a person for trial. That authority must immediately notify the court of the extension. During the investigative period, the accused may be denied access to a lawyer. Following formal arrest, the accused is permitted ree access to the lawyer of his choice. The state will pay legal fees for the indigent. A court hearing must take place within 8 days of notification of the arrest if in a city or within 30 days if in rural areas. The circumstances of the arrest are subject to judicial review when the accused is brought to trial. Should the arrest be shown to have been incorrect, or should the accused be found innocent, he may apply to the same court for civil damages for loss of freedom. At present there is no pretrial judicial examination of an arrest, although a proposal to change pretrial procedures, including the institution of pretrial judicial examination, is being considered in Parliament.

The institutions of habeas corpus and bail do not exist as such in Finland. Those accused of serious crimes must by law remain in custody. Those accused of minor offenses may be released on personal recognizance at the court's discretion.

Preventive detention is authorized only during a declared state of war for narrowly defined offenses such as treason, mutiny, and trafficking in weapons. Supervisory personnel from the Ministry of Justice and the Ministry of Interior as well as the parliamentary Ombudsman and the Chancellor of Justice have authority to enter prisons and order the release of prisoners held without charges. Exile has not been used as a punishment in Finland.

### e. Denial of Fair Public Trial

The right to a fair trial is guaranteed by law and respected in practice. Finnish citizens and aliens legally present in Finland have the right to effective counsel. Charges must be clearly stated. Civilians may not be tried by military courts except in time of war. There are no separate "security" courts, although local courts may decide to conduct a trial behind closed doors in juvenile, matrimonial, and guardianship cases, or when the publicity would offend morality or endanger the national security of the state. In "national security" cases, the judge may withhold any or all information pertaining to charges against individuals, verdicts, and sentencing. Sanctions may be imposed if such information is made public. Provisional tribunals are constitutionally prohibited.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The right to privacy and the sanctity of the home, including prohibition of eavesdropping and mail tampering, are guaranteed by law and respected in practice. The security police is subject by law to judicial scrutiny.

## FINLAND

### Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Law and practice thereunder, an effective judiciary, an independent press, and a functioning democratic political system combine to ensure freedom of speech and press. There have been no instances of abuse or legal decisions restricting freedom of the press.

### b. Freedom of Peaceful Assembly and Association

Freedom of peaceful assembly and association is guaranteed by the Constitution. However, if the purpose of the association is to influence political issues, only Finnish citizens may belong.

Trade unions are constitutionally guaranteed the right to organize, assemble peacefully, and strike. They enjoy a protected status and play an important role in political and economic life. A 1-million-member, blue-collar confederation, the central organization of Finnish Trade Unions (SAK), dominates the trade union movement. The allegiance of its members is organizationally divided between two political parties. Three other confederations dominate the white-collar and professional employees. All trade unions are democratically organized and managed and are independent of both government and political parties. Most trade unions maintain relations with their Nordic counterparts. The four trade union confederations also maintain contact with the Soviet All-Union Central Council of Trade Unions. SAK and one white-collar confederation are members of the International Confederation of Free Trade Unions. SAK, through two of its affiliates, also has ties to the Communist-dominated World Federation of Trade Unions. Finnish trade unions participate in the International Labor Organization.

The Finnish Government encourages voluntary organizations and subsidizes many private groups formed to achieve a public purpose. They are permitted to maintain relations with other international groups in both Communist and Western countries. However, if the membership of an organization is more than one-third foreign, it requires the Government's permission to operate.

### c. Freedom of Religion

Finland has two state religions: Evangelical Lutheran and Orthodox. Voluntary taxes are collected by the Government from church members to support these churches. Other Christian, Muslim, and Jewish populations enjoy unrestricted freedom of worship. About 93 percent of the population of Finland belongs to the Lutheran church.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Finns are free to travel within the Nordic countries of Finland, Norway, Denmark, Iceland, and Sweden without passports and need not apply for exit visas for travel to other countries. A large number of Finns emigrated to Sweden in the past two decades to seek employment, but many have since repatriated themselves. No restrictions have been placed on emigration or repatriation.

## FINLAND

During 1984, questions were raised about the criteria which the Finnish Government applies in deciding whether or not to grant political asylum. The Finnish Government maintains that "in accordance with the Geneva Agreement, Finland gives asylum to individuals arriving (in Finland) who have the characteristics of refugees determined by the Agreement." However, Amnesty International alleged that in six instances in recent years Soviet citizens seeking asylum in the West were involuntarily repatriated. Finland does not grant asylum to people wishing to escape economic hardship.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Finland is a multiparty parliamentary democracy in which all citizens over the age of 18 freely elect their representatives from among multiple candidates representing a wide spectrum of political ideologies. In 1906, Finnish women became the first in Europe to win women's suffrage. At present there are 62 women in the unicameral 200-member Parliament and 3 women in the Cabinet. Finland's proportional representation system ensures that all political parties or factions with no more than 5 percent of the vote can obtain a representative in Parliament. Any member of Parliament may introduce legislation, although most bills are proposed by the Cabinet. Until most recently, votes of no confidence in the Finnish Parliament limited the average life of a government to about 8 months.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

Finland participates actively in international human rights organizations and is currently a member of the United Nations Human Rights Commission. Finland has not been a subject of an international investigation of alleged human rights violations. Within Finland, several organizations monitor human rights performance, including the Finnish Red Cross, the government-sponsored Equality Council, the Women's Rights Union, and Amnesty International. Amnesty International did not discuss Finland in its 1984 report. Freedom House in its 1983-84 report rates Finland "free," but adds that the Finnish media are circumspect in criticizing the Soviet Union.

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Finland is a prospercus industrial market economy where private property is protected by law within a mixed economy of private owned, cooperative public, and state-owned enterprises.

Finland with a population of 4.87 million has a comprehensive social welfare system available to all citizens without regard to race, religion, or sex. Life expectancy at birth is 73.3 years with an infant mortality rate of 6 per 1,000 in the first 12 months of life. In 1981, primary school enrollment was over 94.4 percent of the population in the relevant age group. Finland enjoys a virtual 100 percent literacy rate. In 1984, World Bank data for gross national product per capita placed Finland among the world's 20 richest countries with a per capita income of $10,876. The level of unemployment dropped in 1984 to an estimated 5.7 percent, and the rate of inflation fell to 6.7 percent (August 1983 to August 1984).

## FINLAND

Finland is an ethnically homogeneous society with less than 1 percent of the population either foreign-born or belonging to one of the national minorities: Gypsies, Sami (Lapps), Jews, and Turks. A large (6 percent) Swedish-speaking minority is fully integrated in the society.

According to the official national program for promoting equality, "The Government of Finland regards the prevailing inequality between men and women in society as a serious shortcoming." To redress existing inequities, the Government established a Council for Equality which coordinates and sponsors legislation to meet the needs of women as workers, mothers, widows, and retirees. According to spokesmen from Unioni, the leading women's rights group in Finland, the Equality Council has sponsored two bills designed to improve the status of women in Finland. The first, a comprehensive equal rights bill, was to ensure equal treatment for women in the workplace; and the second, a family name bill, was to permit women to retain legally their maiden names after marriage. These bills have not yet been introduced in Parliament.

Government statistics indicate that women's salaries as a percentage of those of their male counterparts remained in 1984 at 77 percent in industry and 85 percent in government. Finnish female labor participation rate in 1984 was 70.2 percent while the male rate was 71.9 percent.

# FRANCE

France is a democracy with full and effective constitutional guarantees of human rights, freely functioning political parties, and regular elections. Voter participation (with universal suffrage) is high. Elections at the local as well as national level are occasions for ideological and topical debate.

France has a highly developed industrial economy comprising a mixture of public and private enterprise. The public sector was increased significantly during the first year and a half of the Mitterrand Government when, in fulfillment of Socialist Party campaign promises, a number of important private industrial enterprises and most of the remaining private banks were nationalized. Most of the economy is still privately controlled, however, and no firms or banks were nationalized in 1984. The Government is now committed to an austerity program designed to reduce inflation and the costs of the public sector.

Human rights is perhaps the single most consistent tenet of the Mitterrand Government's foreign policy. French leaders speak out frequently on worldwide abuses of human rights and make frequent reference to the protection of these rights within France. In January 1984, the Government established a Consultative Committee on Human Rights to advise the Minister of External Relations on all matters relating to French defense of human rights as an essential element of French foreign policy. During 1984, Justice Minister Badinter proceeded with additional legal reforms and proposed measures to expand individual liberties, protect victims' rights, and increase judicial discretion, particularly in individual sentencing.

## RESPECT FOR HUMAN RIGHTS

## Section 1 Respect for the Integrity of the Person, Including Freedom from:

### a. Political Killing

The Government does not engage in or condone political killing. Political murders by terrorists continued to be carried out in France in 1984, most notably against the United Arab Emirates Ambassador and two prominent Shah-era Iranians. In total, some 200 terrorist incidents resulted in approximately 16 deaths as of October 1984, about the same level as in 1983. Most acts of terrorism were carried out or claimed by non-French groups with ties to Middle Eastern, including Armenian, terrorist groups.

In March, the U.S. Consul General in Strasbourg was the target of an assassination attempt claimed by the so-called Lebanese Armed Revolutionary Faction (LARF). This group, or persons using the LARF name, had claimed several other attacks against U.S. and Israeli diplomats since 1981. The threat level against U.S. officials in France remains very high and attacks against private U.S. citizens cannot be ruled out.

Terrorism by indigenous groups and reprisals against Basque separatists resident in France were France's principal political/security problem in 1984. An anarchist terrorist group, "Direct Action," claimed several bombings of French Government installations and private concerns with purported defense and NATO connections. French authorities have jailed several suspected leaders of "Direct Action," although most of its members are still at large. In October, some "Direct Action" members held for questioning began a hunger strike to protest their detention. Separatist groups took credit for several bombings in Martinique and Guadeloupe, mainly against French Government and tourist targets, and in the French Pacific territory of New Caledonia.

The Front for the National Liberation of Corsica (FLNC), a Corsican separatist group which has traditionally limited its attacks to mainland French-owned property, continued to bomb property in Corsica and on mainland France. One of its goals is to pressure the French Government to treat jailed FLNC members as political prisoners.

### b. Disappearance

There is no evidence that French security services have engaged in abduction or secret arrests.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Freedom from torture is guaranteed by law and respected in practice. There have been no credible allegations of the use of torture.

### d. Arbitrary Arrest, Detention, or Exile

French law guarantees freedom from arbitrary arrest and imprisonment. There is no direct equivalent of habeas corpus in the French legal system, but a suspect can be held only for up to 2 days--4 for drug cases--before being transferred to a magistrate for investigation.

The French judiciary plays an important, determining role in the detention process. Government authority to hold a person beyond the prescribed periods is severely restricted and must be ordered by the competent court. In an effort to contain violence and in response to Spanish Government requests, the French Government in 1984 embarked on a program of "assigned residence," placing Spanish emigre Basques suspected separatist/terrorist connections in northern France, and expelled nearly 30 other suspected Spanish emigre Basque terrorists to Latin America and Africa. Three Spanish emigre Basques facing murder charges in Spain were extradited in September, following a favorable court ruling and exhaustion of all legal and administrative appeals.

France has for many decades been home to thousands of persons fleeing political or religious persecution. There are no substantiated allegations of persons being exiled from modern-day France, although the expulsion of Basques from France, justified by the French Government on public security grounds, has raised concerns that, given enough accepting states, this practice might be expanded.

### e. Denial of Fair Public Trial

The right of fair public trial is guaranteed by law and respected in practice. Suspects have the right to legal counsel as soon as their case is transferred from the police to the magistrate. For misdemeanors, pretrial confinement is limited normally to 4 months, with possible extensions in special circumstances not to exceed 8 months. For felonies, pretrial confinement is not limited. French law provides for the right of appeal, except in jury trials of felony cases.

Trials in France are normally open and public, though provisions exist for the defense to request a closed proceeding. The press has free access to records of court proceedings, but under French law the prosecutor may not disclose information about cases being tried or investigated. Though the judiciary is independent, the courts are not immune from subtle political or public pressure in certain cases. There is no indication that the Government detains any person solely for political reasons. There are no serious charges of political motivation in the detention of persons.

Pending completion of legislative reforms, legal proceedings have been suspended against individuals whose requests for conscientious objector status were rejected. There are still some individuals, however, who are now serving prison terms imposed prior to 1983 by the now defunct Permanent Tribunals of the Armed Forces because they did not present such a request and refused military service.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

French law guarantees freedom from invasion of privacy and this is respected in practice. The search of a private residence requires a search warrant and must take place between 9 a.m. and 6 p.m. except in special cases, such as drug offenses, when the search can be undertaken at any time. Telephone conversations may be monitored in conjunction with criminal proceedings with a court order and in national security cases with administrative approval from the agency conducting the investigation. The Government has occasionally opened correspondence to enforce currency regulations, though this is not a widespread practice.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Freedom of speech and press are guaranteed by law and respected in practice. Newspapers and magazines are free from government control and carry views ranging across the political spectrum. Major radio and television stations are publicly owned, though the Government is not directly involved in their daily operation. These media are subject to the jurisdiction of a "High Authority" whose members are appointed by the President, the National Assembly, and the Senate. Since 1983, private "free" radio stations have been in operation, many of which are sympathetic to the current political opposition. Allegations of government pressure on television and radio continue to be heard and denied. In practice, government controls on the audiovisual media do not seem to represent a limitation of press freedoms. A government-sponsored law designed to reduce monopoly holdings in the printed press was passed by the legislature in mid-1984 despite strenuous opposition. In mid-October the retroactive provisions on existing press conglomerates were found unconstitutional in several areas.

### b. Freedom of Peaceful Assembly and Association

Freedom of peaceful assembly and association is constitutionally guaranteed and respected in practice. Labor unions have the right to organize free from government control. Though only one-fifth of labor is unionized, trade unions exercise significant economic and political influence. They are present and active in numerous tripartite (Government, employers, and labor) bodies dealing with social matters, including labor courts and the Economic and Social Council, a constitutionally mandated consultative body. French unions range across the political spectrum. All unions are technically independent of the political parties, but many of the leaders of France's largest union, the General Confederation of Labor, belong to the Communist Party (the General Secretary traditionally is a member of the Communist Party Political Bureau). Leaders of most other unions are members of one or another faction of the governing Socialist Party although members of other parties are also active in the labor movement. Despite this, all unions claim to be non-political. Both unions and employers associations are very active in the International Labor Organization.

### c. Freedom of Religion

Roman Catholics comprise by far the largest religious group in France. Separation of church and state is guaranteed by law, though in Alsace and a portion of Lorraine, for historical reasons, the Catholic Church enjoys a favored status. All other religious groups function freely without persecution or restrictions. In the face of strong public opposition to proposals to reduce state subsidies to private (largely Catholic) schools, the French Government in late 1984 withdrew from consideration a compromise education reform bill which would have provided for the transfer of authority for primary and secondary education to the local level.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

French law provides for freedom of internal movement, foreign travel, emigration, and repatriation. Arriving refugees, intending emigrants, and intending repatriates can undertake foreign travel and, in most instances, return to France. New measures to control immigration announced in October 1984 could, among other things, sharply restrict the right of some aliens to settle their families in France. France has an extensive record of refugee aid and resettlement.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The French Constitution guarantees the equality of all citizens before the law, without regard to origin, race, or religion. All French citizens of both sexes who have reached majority may vote. These provisions are fully respected in practice. A wide variety of political parties compete freely in elections. In addition to national, presidential, and legislative elections, there are regularly scheduled local elections. The Government is in the process of transferring selected powers from the executive branch to the locally elected assemblies. A wide range of special interest groups--business, labor, veterans, consumer advocates, ecologists, and others--organize freely and regularly run candidates for elective office. Legislation over the past year has been enacted to broaden civil liberties. While isolated incidents of racial, religious, or political discrimination occur, particularly against the large immigrant community, they are not condoned by the Government.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

France has traditionally been a leader in the human rights area and has long been a member of the UN Human Rights Commission. Human rights organizations operate freely in France, including Amnesty International, the International Federation for Human Rights, and the International Institute for Human Rights. The 1984 Report of Amnesty International expresses concern over the status of conscientious objectors. Freedom House rates France "free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

France has an advanced industrial mixed economy accompanied by a system of social assistance to needy members of the population, regardless of race, religion, sex, ethnic background, or political opinion. France's population is 54,872,000, and its per capita gross national product was $11,681 in 1982. Life expectancy at birth is 74.7 years, and the infant mortality rate 8.8 per 1,000 live births. The adult literacy rate is 99 percent.

Women have equal status under the law, but they remain engaged in the continuing effort to maintain and strengthen their rights. A cabinet-level ministry is charged with promoting women's rights. The French Government in 1984 took steps to close loopholes in French legislation on sex discrimination in the workplace and to eliminate sexist advertising.

## GERMAN DEMOCRATIC REPUBLIC

The German Democratic Republic (East Germany) was created in 1949 out of the former Soviet occupation zone of Germany. There are still nearly 400,000 Soviet troops stationed in the country. East Germany's Government closely resembles the Soviet model, and internationally recognized human rights are routinely suppressed. The country is ruled by the East German Communist Party, known as the Socialist Unity Party. It has a centrally planned, industrialized economy with a relatively high standard of living.

Profound historical, cultural, and family ties remain between the people of the German Democratic Republic and those of the Federal Republic of Germany. These links are enhanced by West German radio and television broadcasts, which can be received in most of East Germany, and by approximately 8 million visits annually. The concern that these ties and the constant exposure to Western values could undermine support for the Government is a central factor in East Germany's tight control of its population.

East Germany's ruling party sees it as its duty to suppress all forms of opposition in its attempt to achieve the Communist transformation of society. Hence, while the freedoms of speech, press, religion, and assembly are theoretically guaranteed in the Constitution, the Government does not tolerate their exercise in ways which could contest party policy or doctrines. All important national decisions are made by the party, which through its Control Commission monitors strictly the activities of its members. Four additional parties are allowed a token existence, but have little independence and no power. Elections are not democratic: voters are presented every 5 years with a single list of candidates for the Volkskammer (Parliament) and local assemblies. Voting is not secret, and East Germans who refuse to vote or who reject the entire ballot may suffer reprisals.

East Germany has an efficient security apparatus administered by the Ministry of Interior and the Ministry of State Security. Together, they employ approximately 300,000 persons. The activities of the secret police are pervasive. They do not hesitate to install listening devices, to open private mail, to place groups and individuals under surveillance, or to subject people to intimidation and interrogation. The secret police maintain an extensive system of voluntary or coerced informers.

Minefields, guard dogs, and electrified fences make East Germany's Western border nearly impermeable. In November, the Government of the Federal Republic of Germany announced that the East German Government had removed all SM-70 automatic shooting devices from its border with West Germany. However, even before the removal of these devices began in 1983, the German Democratic Republic began modifying the border barrier system in a way that would make it more difficult for illegal refugees to escape. Any who attempt unauthorized crossing still risk death.

Western human rights groups estimate that there were 6,000 to 9,500 political prisoners in the German Democratic Republic in 1984. This is an increase from the estimated 5,000 political prisoners in 1983. It is thought that more than half of these prisoners were jailed because they submitted an application to leave the country or tried to flee East Germany without permission. Over 400 East Germans were arrested in 1984 after visiting Western diplomatic missions in East Berlin.

In 1984, the Government permitted nearly 40,000 East Germans to emigrate, an increase from the previous year. However, the vast majority of emigration visas were granted between January and May. Since July, only about 600-1,000 exit visas have been issued each month, a figure consistent with the average monthly rate of past years. It is estimated that 300,000 to 500,000 East Germans have expressed a desire to emigrate.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

A 1982 law codified orders to border guards that they should shoot, if necessary, to prevent a person from attempting to leave East Germany without authorization. It is not known how many people have been shot while trying to flee across the border separating East and West Germany, but guards have shot to death at least 55 people who attempted flight across the wall separating Berlin (West) from the German Democratic Republic and Berlin (East). The last such shooting death occurred on December 1, 1984. An additional 18 people are known to have died due to other causes while trying to cross to Berlin (West).

According to the Federal Republic of Germany, by the end of November 1984 the German Democratic Republic had removed from along the inner-German border all automatic shooting devices, which fired ballbearings and shrapnel over a 25-meter area when triggered by a trip wire. It is not known how many people had been killed by these devices.

During 1984, there were reports that, on at least one occasion, private citizens were killed in violent clashes with suspected members of the secret police.

#### b. Disappearance

There were no reports of permanent disappearance in East Germany during 1984.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There were no reports of systematic torture in 1984. Specific laws state that life, health, and ability to work of arrestees and prisoners must not be jeopardized during confinement. However, former detainees and prisoners have reported deliberate psychological strain in East German prisons. Arrestees have reported long, uninterrupted interrogations without sleep, food, or drink, followed by threats and demands to sign statements or blank pieces of paper which would later have statements entered on them.

Fragmentary information, derived mainly from former inmates who have emigrated, indicates that there are also instances of beatings and other forms of physical mistreatment by individual guards. According to these reports, cells are overcrowded, and illnesses caused by vitamin deficiencies and inadequate sanitary facilities are prevalent. Prisoners are supposed to have access to medical facilities, but service is often slow and relatively poor in quality. There are allegations of a scarcity of medication, and of treatment by personnel with little or no medical training.

Former inmates have stated there are many work-related injuries caused by inadequate safety measures and the demand that high work quotas be fulfilled using obsolete machines. There are also reports that prisoners are forced to work in particularly dangerous industries, such as chemical plants, where it is difficult to recruit free citizens.

Prisoners, except for those being punished for violations of prison regulations, are generally allowed to have two visitors per month.

### d. Arbitrary Arrest, Detention, or Exile

In practice, the police have blanket authority to detain and interrogate East Germans on suspicion alone. Arrest may result when people merely express dissenting views. East Germans who become particularly active in ways the Government disapproves of are sometimes subject to recurrent harassment, such as police interrogations on a regular basis--sometimes as often as once a week for long periods of time--without charges being filed against them.

There is a high degree of subjectivity in the application of the Penal Code. The charges filed in clearly political cases are often based on laws which are written in vague and general language. Section 99 of the Code, for instance, states that the transmission of information "detrimental to the interests of the German Democratic Republic" (even if it is not secret) can be considered treason. There are laws against "anti-state agitation" and "asocial behavior" (parasitism). These are often applied selectively against East Germans who become politically active. For example, Baerbel Bohley and Ulrike Poppe, two leading figures of an East Berlin peace group, were arrested and charged under Article 99 with transmitting detrimental information to Westerners. Faced with mounting publicity in the West, the German Democratic Republic released the women in January 1984 after they had spent more than a month in jail.

East Germans can be arrested with or without warrants. When held in detention, a person does not have the right to a judicial determination of his continued detention. All attorneys are employees of the state and are supervised by the Ministry of Justice. Every East German citizen has the right to legal counsel of his own choosing, but there are only a handful of lawyers who are willing to take on political and emigration cases. In practice, few East Germans make use of this right, and most act as their own defense.

German Democratic Republic law requires prompt notification to an arrested person's family or employer. However, the Criminal Procedure Code allows the public prosecutor to postpone such notification if it would "endanger the objective of the investigation." In political cases, it may take many weeks before interested parties are notified. Visiting rights by relatives are restricted and are held under tight security provisions. It is ironic that, while sharply limiting the emigration and travel of workers below retirement age, East

German authorities have threatened some political activists with arrest and imprisonment if they did not emigrate.

### e. Denial of Fair Public Trial

East German law provides for a fair public trial for defendants in civil and criminal cases. In cases involving security and political issues, however, judges can authorize closed trials. Virtually all political trials are closed. On the same grounds, judges can bar individuals or groups from "open" trials. There is no hearing prior to such decisions and no appeal from them. Police checks outside courtrooms are sometimes designed to intimidate individuals into not attending trials.

Although defendants are guaranteed the right to a lawyer of their choice, there are many hindrances to effective counsel. Defendants are often not allowed to choose their lawyers until a few days before the trial or to discuss the specifics of the case with lawyers until the investigation is completed and formal charges are brought, a process which may take months. Defense attorneys must also request permission to meet clients in private, and there is no guarantee that the request will be granted. Attorneys are not allowed to make photocopies or tape recordings of their clients' court file. The file can only be viewed in the court, and notes must be taken in longhand.

Trials tend to be short and perfunctory. Constitutionally, the courts are under the control of the Council of State; in reality they are controlled by the party, which appoints the judges. Military courts try civilians only in military espionage cases.

East Germany does not admit to having political prisoners, nor does it publish statistics which would enable one to know the exact number of political prisoners held. However, the West German-based International Society for Human Rights estimates there are 6,000 political prisoners in the German Democratic Republic. The August 13 Working Group, a human rights organization in Berlin (West), puts this figure at 9,500 (40 percent of whom were arrested after filing an application to emigrate). As of mid-September 1984, 1,500 political prisoners had been released to the West. Amnesty International has noted that many political prisoners are released only after the payment of a fee by the West German Government.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

By law, the police need authorization to enter and search a house, but the police can authorize entry themselves and the courts will retroactively give approval. The authorities reportedly do not investigate complaints of abuse. The police do not have to give a receipt if they confiscate materials in a home.

It is routine and legal for the state security organs, solely on their own authority, to tap telephones and to open mail. Evidence collected in this manner may be used in court. East Germans often claim to be subjected to hidden tape recording, opening of their mail, and physical surveillance if they have unauthorized contacts with Westerners or in any way arouse the curiosity of the State Security Services. The most reliable Western sources estimate the Ministry for State Security alone has between 60,000 and 80,000 undercover agents and informers. The Government's purpose is to instill a widespread belief that state security informants are ubiquitous and that opposition to the Government is therefore almost certain to be discovered and punished.

All printed materials require an official permit. Only magazines and newspapers bearing a postal license may be legally distributed. These regulations effectively block the legal receipt by individuals of materials not approved by the Government.

West German television can be viewed by 80 percent of East Germans. Western radio can be heard throughout the country. The Government no longer attempts to jam or otherwise hinder the reception of Western broadcasts.

Young people are not forced to join the party's youth movement, the Free German Youth (Freie Deutsche Jugend). However, school and government authorities make it clear that failure to join this group will limit educational and job opportunities.

East Germans must obtain permission from the Government to marry foreigners. Generally, the marriage must take place in East Germany. Those granted permission are expected to emigrate without delay after the wedding. Since the passage of a law in October 1983, there has been a higher approval rate and a more expeditious handling of applications for marriages.

## Section 2. Respect for Civil Rights Including:

### a. Freedom of Speech and Press

All media are government-controlled and censored. All publications must be licensed before distribution. Western newspapers and magazines, other than politically acceptable publications such as those of Western Communist parties, are unavailable to the general public. Some libraries, university departments, and official institutes receive Western publications, but circulation is restricted. Border officials frequently refuse entry to travelers to East Germany carrying prohibited Western publications or confiscate them before allowing the traveler entry. East German citizens and Western travelers can be arrested and interrogated simply for possessing such documents. In July, the German Democratic Republic agreed that it would be more flexible in allowing travelers from the Federal Republic of Germany to bring in literature and other printed matter as well as in permitting the receipt in East Germany of phonograph records mailed from West Germany.

Written and unwritten rules severely limit East German contact with Western journalists. By law, the ordinary citizen may not maintain contact with foreign journalists.

East Germans face drastic reprisals for publicly expressing views contrary to government policy. Tim Petersdorf, 21 years old, was sentenced to 19 months in prison after he produced handbills advocating peace. In Gera, four members of a church group received 8- to 12-month prison terms after they placed handbills in private mailboxes questioning the official Government policy that peace can be obtained by military means. In February, four members of the "Monday Circle," a church discussion and action group in Weimar, were given 5- to 8-month sentences after they allegedly painted a sign criticizing the stationing of Soviet missiles in East Germany. An East German court sentenced four other members of the same group to 24- to 34-month prison terms in mid-July. The charges were that they distributed handbills which criticized the Government's peace and environmental policies and called for a boycott of the May 6 local elections. Silvia Goethe, a member of an independent peace group, received a 20-month prison term for "passing information detrimental to the German Democratic Republic."

The ruling Communist Party considers art and literature to be an integral part of its revolutionary struggle, not a forum for expressing individual perceptions or opinions. Unions for artists and writers are headed by party officials and controlled by the state. Almost all literary figures who are critical of the regime are expelled from these associations, thereby losing certain privileges. Publishing houses engage in self-censorship and works must also be cleared by official organs before publication. Some works are banned completely; others may be published outside the country only under contracts negotiated by the state-run literary agency. The noted East German author Stefan Heym, whose latest book "Schwarzenberg" was a best seller in the Federal Republic, has been unable to publish in the German Democratic Republic for a decade. Lyricist Elke Erb was refused permission to publish in the West an anthology listing 30 "New Generation" East German authors. Artists and writers who try to circumvent government restrictions are prosecuted.

Singer-song writer Karlheinz Bomberg received a 30-month suspended jail sentence after he sought to pass homemade tape recordings of his songs to friends in the West. A freelance writer, Detlef Opitz, was warned he would be imprisoned if he did not accept a job offered him by the state and cease his writings.

Popular music groups must generally have their lyrics approved by the state. Western groups must also submit to censorship to perform. The Free German Youth canceled a contract for a 1984 tour of the German Democratic Republic by West German rock star Udo Lindenberg after Lindenberg spoke against Soviet as well as NATO missile deployment at a concert in 1983. The West German rock group BAP was prohibited from playing at a concert in East Germany after they refused to pledge that they would not perform one of their songs which stated that the East German army heightened fear.

Individual academic freedom is not permitted. The state views education as an instrument for "building socialism," and all areas of academic inquiry are strictly controlled. A magazine for Communist Party functionaries, Neuer Weg, reported a party Central Committee resolution which stated that teachers and educators must act as propagandists of Marxism-Leninism and of official party policy. The resolution also urged local party leaders to devote greater attention to the Marxist-Leninist qualifications of educators. Teachers who allow open discussions in the classroom or deviate from the party line are disciplined. Many books are prohibited totally; others are permitted only in university libraries to which only carefully screened and authorized personnel are allowed access.

### b. Freedom of Peaceful Assembly and Association

Although the Constitution states that there is freedom of assembly, only government-organized demonstrations are allowed. Government permission is required for public events. The Government uses this requirement to block unwanted public meetings, smaller discussion groups, and, on some occasions, gatherings in private homes. Article 219 of the Penal Code subjects to a 5-year prison term any person "who takes up contact with organizations whose actions are directed against the public order." In 1984, a court sentenced Uwe Fehre, a 24-year-old father of 3, to 3 years 9 months in prison because he helped organize a peace workshop in 1983. In April, prison terms ranging from 8 to 18 months were given three members of a Leipzig group who demonstated for peace in 1983. Fifteen bus drivers were arrested in Jena after they demonstrated for emigration visas.

Independent unions are prohibited, as are strikes. Unions are viewed as political appendages of the party and as institutions to carry out official policy. Union assemblies are rigidly controlled by loyal party members, as are all other public meetings except for church-sponsored religious events. The major East German labor organization, the Free German Trade Union Federation, does not play a real role in domestic policy formulation.

### c. Freedom of Religion

East Germany is officially atheistic, but the Constitution in theory guarantees freedom of religious belief and worship. In practice, the state tolerates most religious activity but does not encourage it. Overt adherence to religious beliefs often results in effective disqualification for preferred job and educational opportunities. About 47 percent of the population belong to the Evangelical Lutheran Church, while 45 percent claim no affiliation.

The Government controls religious activity carefully, monitoring statements and writings by church figures and regulating the printing and distribution of religious materials. In September, the Mecklenburgische Kirchenzeitung, an Evangelical Church newspaper, was not allowed to be distributed until it removed a report on discussions at a recent church synod of environmental issues, the deployment of new nuclear weapons in both Eastern and Western Europe, and the German Democratic Republic's conscription policy. Earlier in 1984, an issue of Der Sonntag, a Saxon church bulletin, was withdrawn from circulation when authorities objected to a poem in it. The East Berlin church bulletin, Die Kirche, was forced to withdraw and reprint an issue which discussed the Government's ban on wearing the "swords into ploughshares" emblem of the independent peace movement.

The greater government tolerance shown toward church activities in 1983, when non-conformist singers and writers were allowed to hold performances in church facilities and some previously forbidden subjects could be carefully discussed so long as they did not become "political," did not carry forward into 1984. The Government pressured the Evangelical Church to watch its words as well as its deeds, and the Church became more cautious. The secret police continue to monitor Church-sponsored events closely. Nevertheless, the Church remains the only institutional forum in East Germany where divergent opinions can be expressed with relative freedom.

Christian Scientists have been prohibited from practicing their faith in the German Democratic Republic since 1951. However, in December the authorities informed East German Christian Scientists that some restrictions might be relaxed. Later in the same month, a government official met for the first time with an American representative of the Christian Science Church.

East Germany does not tolerate non-traditional or "charismatic" religious sects. Traditional religious groups may establish places of worship, and the Mormons were recently given permission to build their first temple. Jehovah's Witnesses are not allowed to practice their religion in the German Democratic Republic because of their refusal to perform military service. During 1984, several American Jewish groups visited East Berlin to see how they might help the small East German Jewish community. The Government reacted positively to their desire to supply the Jewish community with religious books and to provide for visits by an American rabbi.

Clergy and lay members of Western churches have been permitted to attend church synods and conferences in the German Democratic Republic. Some East German religious leaders have been allowed to attend similar meetings in the West.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Most East Germans can travel freely within the country, except near borders or military installations. However, they are not allowed to change their residence without government permission. All citizens must carry identification cards which the police have the right to check at will. Because of their criminal or political activities, including filing exit visa applications or trying to leave the German Democratic Republic illegally, about 60,000 East Germans have a special identity card called a PM 12. Some, but not all, holders of this card are restricted in domestic as well as foreign travel. Foreign travel is strictly controlled, including travel to other Communist countries. The exception is Czechoslovakia, which East Germans can visit using only an identity card. With few exceptions, such as official business, East Germans are not allowed to travel to non-Communist countries until they reach retirement age (60 for women, 65 for men). Restrictions on visits by West Germans to East German relatives and friends were slightly eased in 1984.

The sector line dividing East and West Berlin and the border between the German Democratic Republic and the Federal Republic of Germany are fortified by an array of lethal devices designed to stop East Germans from fleeing to the West. The German Democratic Republic's borders with Poland and Czechoslovakia are also heavily guarded. Beyond the mortal danger involved, any attempt to cross these boundaries without permission constitutes a crime punishable by up to 8 years in prison.

## GERMAN DEMOCRATIC REPUBLIC

In 1984, about 40,000 East Germans were allowed to emigrate, most of them during the first 4 months of 1984. This figure is higher than in previous years. Since July, however, about 600 to 1,000 emigration applications have been issued monthly, a figure more consistent with the average monthly rate of past years.

The results of a law effective October 15, 1983, which defined for the first time the circumstances under which East Germans could emigrate legally, began to be felt in 1984. The law dealt with cases of emigration for the purpose of joining first degree relatives (parents or children) or binational marriage. It prescribed that the Government would respond to qualified applicants for binational marriage within 6 months after the documentary requirements were met. The new law has brought about a higher approval rate and more expeditious handling of applications for binational marriage. However, by narrowly defining who can emigrate, it has also created difficulties for the large majority of would-be emigrants who want to emigrate for reasons other than to join a first-degree relative or spouse. Many successful applicants must wait from 1 to 5 years before receiving permission to leave. Emigration applicants may lose their jobs or suffer imprisonment. Despite the hardships to which applicants are subject, an estimated 300,000-500,000 emigration applications may still be pending.

Almost all East Germans who emigrate legally are forced to give up their citizenship, and must wait at least 5 years before returning to visit the German Democratic Republic. Some are not permitted to return at all. Those who left the country illegally before January 1, 1981, are eligible to apply for permission to visit, but many are reluctant to do so. Reportedly, only about half of those who have applied have obtained visas. Those who fled after 1980 are liable to criminal prosecution if they return to East Germany.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

East Germany does not recognize the right of citizens to change their form of government. Elections capable of doing this are not permitted. Voters are permitted only to vote either "yes" or "no" on a National Front ballot approved by the Communist Party. Since ballots are not secret, a "no" vote or a refusal to vote exposes the voter to reprisals. The Government is completely dominated by the Socialist Unity (Communist) Party. Though there are nominally four other parties, they are not permitted to challenge Communist doctrine. All decisions are made by the party's Central Committee leadership; lower-level representatives are expected only to approve those decisions. All candidates for both party and legislative positions are nominated by the leadership. The Volkskammer (Parliament) never rejects government proposals. The party also determines who will fill executive positions in the Government. Though some government positions are reserved for members of the other four parties, the Communist Party ensures that it fills a majority of the positions and that the other party members do not and cannot contest its policy.

## GERMAN DEMOCRATIC REPUBLIC

### Section 4 Governmental Attitude Regarding International and Non-Governmental Investigation of Alleged Violations of Human Rights

The German Democratic Republic has taken the position that inquiries into its human rights policies constitute interference in its internal affairs. Requests by Amnesty International and other private human rights groups in the West for information about human rights conditions go unanswered, and the Government does not permit visits by these groups. No unofficial human rights groups are known to exist in East Germany. The government-sponsored Committee for the Protection of Human Rights is not designed to safeguard the human rights of East German citizens, but to attack human rights conditions in Western countries while claiming there are no human rights concerns inside East Germany.

In July, Professor Erich Buchholz of the East German Justice Ministry appeared in Geneva before a United Nations Committee holding hearings on human rights in East Germany. The central theme of the committee's discussions was the fortified East German border, which Buchholz defended as a sovereign East German right. Buchholz also denied that the German Democratic Republic had any political prisoners. Twenty members of the European Parliament have requested it to investigate the status of political prisoners in East Germany. It is expected that the European Parliament will study this issue in 1985.

Amnesty International's 1984 report (covering 1983) continued to be concerned about the imprisonment of people for the non-violent exercise of human rights, in particular the right to freedom of expression and the right to leave one's country. Amnesty worked on behalf of more than 200 prisoners of conscience, but believed the total number was much higher. Freedom House rates East Germany "not free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

With a population of 16,718,000, East Germany has a highly industrialized, centrally planned economy. It is generally an importer of raw materials and an exporter of manufactured goods. All large industrial, retail, and agricultural operations are state-owned, but small private businesses of fewer than 10 employees are allowed. Over 90 percent of the farmland is collectivized or state-owned; there are about 6,000 private farmers. Approximately 2 percent of the labor force is privately employed.

East Germany has a relatively high standard of living, probably the highest in the Warsaw Pact, with an estimated per capita gross national product in 1981 of $9,750.

Prices of basic goods and services have remained stable throughout the last decade, but prices of consumer goods have risen and shortages of consumer goods occur periodically. Housing remains the most serious shortage. Single residents of Berlin usually wait more than 18 months for housing, and married couples often wait more than one year. The Government is committed to a major housing construction program lasting until 1999. The German Democratic Republic also encourages private initiative in building low-cost homes and in repairing present accommodations, though repair and building materials are often in short supply. Income discrepancies are not great for the majority of the population, although a small number of East Germans live in relative opulence. High party and military officials, important scientists, artists, and athletes enjoy special access to housing, education, travel, and consumer goods. These special benefits, which are much more important than wages in determining status and living standards, tend to create a small, highly privileged class.

There is an extensive social welfare system for both rural and urban dwellers. Free medical care is provided. According to the World Bank, in 1984 life expectancy at birth was 73.1 years, and the infant mortality rate was 11 per 1,000 births. Free and universal education is provided through the 12th year. Almost all school-age children attend school. Literacy is almost universal. The number of students in institutions of higher learning is a function of projected needs. Competition is keen for these spaces, and allocation usually depends on the student's political acceptability as well as his academic promise. In 1981, there were about 78 college or university students for every 10,000 people.

The Sorbs, an indigenous Slavic minority numbering about 45,000, constitute the only ethnic minority in East Germany. There is no officially tolerated discrimination against this group. Schools in areas with a Sorb population have specially designed curriculums that emphasize aspects of Sorb culture, and instruction is offered in the Sorb language. There is a Sorbian theater where the Government subsidizes productions of Sorbian plays. Sorbs are generally fluent in German as well as Sorbian, and they are well integrated in the general population.

Women and men are treated equally in most respects. Women are allowed to retire at age 60, men at 65. As one of many incentives to increase the birth rate, women are given extensive maternity leave with pay after the birth of any children. The social welfare system also includes a comprehensive child care system for working parents. About 87 percent of women of working age are employed, compared to 88 percent of men. Women are exempt from military service except in times of war or national emergency. Women can be found up to the middle level in all professions except the military. The head of the party's Central Committee Department for Women's Affairs has said that one-third of all managerial positions are held by women and that women comprise 28 percent of the mayors, 32 percent of the school principals, 54 percent of the judges, and 50 percent of labor union officials in East Germany. There are few women in high positions in the party, Government, economy, and most professions.

## FEDERAL REPUBLIC OF GERMANY

The Federal Republic of Germany is a modern and stable parliamentary democracy. The population is highly educated and enjoys one of the highest standards of living in the world. The economy of the country is highly industrialized. The Government of the Federal Republic scrupulously protects human rights. It does not subordinate women or any other social group.

On the national level, there is separation of power between executive, legislative, and judicial branches. There is also division of governmental authority between national and state governments. The latter retain significant autonomy, especially in matters relating to police and judiciary, culture and education, the environment, and social assistance. The head of government, the Chancellor, is elected by the Bundestag, the lower house of Parliament. The powers of the Chancellor and of the Parliament, which are substantial, are set down in the Basic Law, the Constitution adopted in 1949. The Bundestag is elected through a mixture of direct constituency candidates and party lists. Members of the second house of Parliament, or Bundesrat, are appointed by the state governments.

The Federal Republic has been ruled since its creation by a number of coalition governments headed by one of the two major parties, the Christian Democratic Union or the Social Democratic Party. The current Government is led by the Christian Democratic Union, joined by its Bavarian sister party, the Christian Social Union, and the small Free Democratic Party. The Greens, a party present in the Bundestag only since the elections of March 1983, believe that the current political system is insufficiently democratic and claim to practice a more participatory style of politics. The Greens campaign in opposition to nuclear power plants and nuclear weapons and for protection of the environment. They attracted 5.6 percent of the electorate in the 1983 parliamentary elections and have exceeded that in subsequent local tests. Around 90 percent of voters normally participate in national elections, but local contests attract significantly lower participation.

Organized essentially at the state (Land) level and operating under the direction of state governments, the police are highly disciplined and scrupulously respect human rights. In dealing with hostile elements, including terrorists, special care is taken to respect the rights of the accused.

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

Politically motivated killing by the Government or by constitutional political organizations is unknown. Terrorist groups on the far left (Baader-Meinhof and its successor groups) and the far right (neo-Nazi groups) have in the past engaged in political violence, but there were no cases of assassination or attempted assassination in 1984. No significant incidents of violence have occurred among groups of resident foreigners in 1984.

### b. Disappearance

Governmental or police authorities do not abduct, secretly arrest, or otherwise clandestinely detain persons. There have been no kidnapings by political terrorist groups for several years.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Police authorities do not physically or mentally torture prisoners, nor do they engage in cruel, inhuman, or degrading treatment short of torture. Prison conditions are adequate.

### d. Arbitrary Arrest, Detention, or Exile

No person may be arrested in the Federal Republic except on the basis of an arrest warrant issued by a competent judicial authority. Any person arrested by the police must be brought before a judge and charged no later than the end of the day following the day of apprehension. There is no preventive detention, except that a prisoner may be detained no longer than 24 hours while awaiting a formal charge if there is evidence that he might seek to flee the country to avoid prosecution. The right of free access to legal counsel has been restricted only in the cases of some terrorists who have used contacts with lawyers to promote and continue terrorist activity even while in prison. Only judges may decide on the admissibility or continuation of any deprivation of liberty. Bail bond exists in the Federal Republic but is seldom employed. There is no exile.

### e. Denial of Fair Public Trial

Trials are public. The Basic Law assures due process and prohibits double jeopardy. The judiciary is free of both government interference and intimidation by terrorists. There are no political prisoners.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The sanctity of the home is guaranteed by the Basic Law and fully respected in practice. Prior to forcible entry by police into a home, a warrant must be issued by a judge or, in an emergency, by a public prosecutor. Electronic surveillance may be undertaken only after authorization by a court order. Mail is not monitored. The private use of languages other than German is completely free.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The provisions of the Basic Law, an independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and press. Criticism of the Government is unrestricted. The media and artistic works are not censored. Academic freedom is complete. There is no censorship of foreign or domestic books.

Newspapers and magazines are privately owned. Radio and television networks and stations exist, for the most part, as corporations under special public laws. They are governed by independent boards made up of representatives of churches, political parties, and other organizations. A few experimental private television cable stations and local television cable networks have been set up. Legislation is under consideration in some German states to facilitate and encourage private television stations using cable, satellites, and other "new" media.

### b. Freedom of Peaceful Assembly and Association

The rights of assembly and association are fully respected, as is the right to demonstrate. Organizers of street demonstrations are required to obtain police permits beforehand and may be asked to pay a deposit to cover the repair of any damage to public facilities. When demonstrators have not obtained the required permits, police have exercised considerable restraint, showing concern ultimately only for the continued functioning of public facilities and for the safety of the general public.

Membership in nongovernmental organizations of all types, including political parties, is completely free. Parties found to be "fundamentally antidemocratic" can be outlawed. Under this constitutionally based provision, the Constitutional Court, in the 1950's, declared both a neo-Nazi and a Communist party to be illegal.

Activities of the "peace movement" in the Federal Republic peaked during 1983 and continued with reduced participation in 1984. While demonstrations were usually peaceful in nature, extremist elements have sometimes attempted to disrupt military exercises and have caused damage to property. The police have generally avoided confrontations while maintaining law and order. Perpetrators of violence have been prosecuted and punished. No party in the Parliament advocates the resort to violence in demonstrations. Members of the Greens have called for passive disruption of military activities.

The right to organize, strike, and bargain collectively is recognized and exercised freely in the Federal Republic. The country has a long-established and highly organized labor movement, with about 40 percent of the eligible work force unionized. The German Trade Union Federation represents over 80 percent of organized workers. Reborn in the wake of World War II, the unions are particularly conscious of their historic role as the protector of workers' rights and a bulwark of the democratic system. They actively participate in the International Labor Organization and in international and European trade union organizations.

### c. Freedom of Religion

The practice of religion is completely free. Major religious groups benefit from a state-administered church tax system. The Government subsidizes church-affiliated schools. Personal religious affiliation today plays an insignificant role in politics and in other walks of life. Members of all religions can be found in all political parties.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

German citizens are free to move anywhere within the country and to leave and return at any time. Germans who arrive in the Federal Republic from the German Democratic Republic are treated as German citizens and therefore may take up residence without restrictions. The number of resettlers from the German Democratic Republic in 1984 represented a considerable increase over previous years and required considerable public and private efforts to help the newcomers find jobs and housing. The Federal Republic also regards itself as the homeland of all ethnic Germans and actively promotes the immigration of ethnic Germans from Eastern Europe.

The Federal Republic remains a favorite destination for both political and other refugees. Since the end of 1982, the Government has sought to restrict more effectively illegal immigration and abuse of political asylum status. The number of asylum seekers dropped from 107,000 in 1980 to 20,000 in 1983 but increased to an estimated 32,000 in 1984. Each request for political asylum is examined on its merits. About 30 percent of such requests have been approved in 1984.

In an effort to reduce the abuse of benefits available to displaced persons in the Federal Republic, some local and state governments provide assistance to displaced persons on an in-kind basis rather than in cash. This in effect limits the freedom of movement of such persons, including those who ultimately establish their bona fides as refugees. Those denied political asylum have sometimes levied complaints against the official handling of their cases. Denial of political asylum does not automatically result in deportation. Persons from Communist countries are normally allowed to remain whether or not official asylum status is granted.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Under the stable and liberal parliamentary democracy established by the Basic Law, the Federal Republic is ruled by a government chosen by the people through orderly elections based on universal suffrage. Candidates for public office are usually members of political parties but are not required to be. Because of the negative experience with splinter parties under the Weimar Republic, the Basic Law and the state constitutions contain provisions that only parties achieving at least 5 percent of the vote can be represented in the Federal and state Parliaments. New political parties are free to form and enter the political process. Although party discipline plays an important role, voting on issues in the Bundestag is ultimately a matter of individual decision.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The International Society for Human Rights, Amnesty International, and other smaller human rights organizations freely conduct their activities in the Federal Republic. Amnesty International's organization in the Federal Republic continues to express concern about several cases in which conscientious objectors were sentenced to jail and about instances in which convicted terrorists have been placed under special restrictions in prison. Freedom House rates the Federal Republic "free."

The Government considers the international promotion of human rights one of its highest priorities.

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The Federal Republic has an advanced industrial mixed economy. The Government seeks to promote economic growth and minimize unemployment through monetary and fiscal policies designed to promote favorable business conditions. The social welfare system in the Federal Republic is of long standing and provides relatively generous benefits. The budgetary austerity of the past few years has resulted in some marginal reduction of basic social welfare benefits, which include old age and disability pensions, unemployment compensation, and medical care. The Government also provides extensive additional social benefits, including grants-in-aid to pregnant women. Some of these additional benefits have been diminished or eliminated in recent years.

The population of the Federal Republic, now 61.4 million, decreased marginally in 1984. Per capita gross national product in 1982 was $12,461. Life expectancy at birth is 73.7 years, and the infant mortality rate is 9.4 per 1,000 live births (1984). There is no discrimination in the extent to which shelter, health care, and education are available to all inhabitants, regardless of race, religion, sex, ethnic background, political opinion, or citizenship.

In sharp contrast to Hitler's Germany, which glorified racism and demonstrated contempt for human rights on an unprecedented scale, the Federal Republic has enshrined the scrupulous protection of human rights in both law and practice, and it has paid out about $23 billion in compensation to survivors of the Nazi regime. The Government's regard for human rights extends to the large foreign population (around 4.5 million) in the Federal Republic.

Since the passage of an equal employment rights law in 1982, women are guaranteed equal treatment at the workplace. They play significant roles in all political parties and are increasingly rising to management and leadership positions in the private and public sectors. In organized labor, about 20 percent of union members are women, and a woman has served as president of the second largest trade union since 1982.

Most women do not work outside the home. The rate of participation of women in the labor force, about 33 percent, is below the average in the European Economic Community, and most working women are employed in traditional fields. Moreover, protective legislation bars women from working in certain heavy industry occupations and also generally bans night work. Young women experience difficulties in gaining access to training in some traditionally male fields. Recent court rulings and government pilot programs, however, have helped break down some of these attitudinal and institutional barriers.

## FEDERAL REPUBLIC OF GERMANY

The Government has pursued a three-pronged policy with regard to foreign workers: integration of longtime residents, limitation of further entries, and repatriation aid for those willing to return to their home countries. A 9-month special program of repatriation aid to unemployed foreign workers, in the form of repatriation bonuses and reimbursement of social security contributions, stimulated the departure of about 300,000 persons, both workers and family members. The foreign population, which peaked at 4.7 million people in 1982, stood at 4.5 million in 1984. Foreign workers in 1983 totalled 1.7 million, or 8.5 percent of the work force, and 36 percent were organized in trade unions. A national debate has been under way over whether the rights of guest workers should be broadened to permit unlimited residence and the right to vote or reduced by limiting the right of entry for dependent children.

# GREECE

Greece is a republic with a democratically-elected Parliament. The full range of universally acknowledged human rights is guaranteed by the Constitution, which includes many of the provisions of the United Nations Universal Declaration of Human Rights. Parliamentary elections were held most recently in 1981 and local elections in 1982. Elections for representatives to the European Parliament took place in June 1984. All were vigorously and freely contested.

The judiciary is independent of both the executive branch of government and Parliament, and operates within a civil law framework with precedents from Roman Law and French and German sources. Police practices respect detainees' rights. An active and unfettered press functions throughout the country. Radio and television are state-operated, and the opposition has access to these media, although it complains that the access is insufficient. A combination of constitutional guarantees and sound administrative practices insure respect for human rights in Greece.

Individual Muslims have occasionally complained of low-level administrative discrimination, but there is no evidence of a general pattern of abuses or an official policy of political, religious, or cultural discrimination against the Muslim community.

A full member of the European Economic Community, Greece is classified according to United Nations standards as a developed country. Nevertheless, it has some attributes of a developing economy and a tradition of state intervention.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

In general, the individual is secure in Greece. However, in the past few years there have been a number of as yet unsolved politically motivated assassinations in Athens, widely attributed to Greek and foreign extremists. The "November 17" Revolutionary Organization, which claimed the November 1983 killing of a U.S. Navy Captain and his Greek driver, also took credit for the attempted assassination of a U.S. Army sergeant in Athens on April 3, 1984. Seven other murders in the past year have been attributed to Arab terrorist groups, including the assassination of the British Cultural Affairs Officer on March 28, 1984. The Greek Government has strongly condemned these terrorist acts and has increased security measures, but it has made no arrests.

#### b. Disappearance

There have been no reports of abduction, secret arrest, or clandestine detention during 1984.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution guarantees freedom from torture. Prohibitions on torture are generally respected in practice. However, Amnesty International recorded in its 1984 report that it had received allegations by foreign and Greek criminal prisoners of torture in police stations and prisons in 1983. The Ministry of Justice in November 1984 ordered disciplinary action and criminal charges against a prison guard charged with mistreating prisoners. On November 13, 1984, the Parliament passed legislation making the use of torture an offense against the State punishable by sentences of from 3 years to life imprisonment. Waiving the legislation in "emergency situations" is expressly forbidden. Physical punishments are not administered as sentences for crimes.

Conditions in prison and detention facilities are satisfactory. Adequate health care and diet are provided. No distinction according to social class, race, sex, religion, or type of conviction is made in the treatment of prisoners. Cases requiring medical treatment receive special attention. Once sentenced, prisoners may be visited by family members three times per week.

### d. Arbitrary Arrest, Detention, or Exile

Freedom from arbitrary arrest or imprisonment is guaranteed by the Constitution, and this provision is respected in practice.

Preventive detention does not exist in Greece. A person arrested on warrant or while committing a crime must be brought before an examining magistrate within 24 hours and charged. This magistrate must issue a warrant of imprisonment or order the release of the detainee within 3 days of the examination unless special circumstances require a 2-day extension of this time limit. The Constitution further states that the maximum duration of detention pending trial "may not exceed a period of 1 year in the case of felonies or 6 months in the case of misdemeanors." A decision of a judicial council is required to effect extensions of these maximum durations (by 6 or 3 months, respectively) in exceptional cases. In practice, trials generally take place within 4 months of the submission of charges. Exile as a judicial remedy or government practice does not occur in Greece.

### e. Denial of Fair Public Trial

The judiciary is independent of the executive and the military. The Constitution states that military courts shall have no jurisdiction over civilians. Fair and public trials are guaranteed by the Constitution and provided in practice. Defense lawyers are available to all accused. Court sessions are public unless, as provided in the Constitution, the court decides that privacy is required for the protection of victims, when juveniles or morals offenses are involved, or in matters of national security. This latter provision is not abused. There is also a legal provision permitting a closed hearing for the sensitive portion of cases dealing with public order. In such instances, none of which are known to have occurred during the past year, the court by law must publicly pronounce its "reasoned decision" on the matters heard privately. A defendant may appeal a court verdict to an appeals court. A 1983 case involving the trial and sentencing of a U.S. serviceman in a manner which did not meet standards of due process set forth in the applicable Status of Forces Agreement is under review by Greek authorities.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The inviolability of the home as well as of an individual's personal and family life are guaranteed by the Constitution, which states "every person's home is a sanctuary." The personal and daily life of the individual is protected from interference. No house search may be made except when and as specified by law and always in the presence of representatives of the judicial power. These constitutional guarantees are respected in practice. Warrants, issued by a district attorney (who is considered a judicial officer in Greece) are required for an official to enter a private home. No cases have been reported in which forced entry has been alleged or in which the Government has practiced other violations of the home. A constitutional provision requires punishment and "liability for full damages to the sufferer" for violations of the sanctuary of the home and for the abuse of power. The Constitution further guarantees privacy of correspondence and communication, and this guarantee has been respected in practice in 1984.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Freedom of speech is practiced as guaranteed by the Constitution, which states that every person may express and propagate his thoughts orally, in writing, and through the press, with due regard to the laws of the state.

The Constitution states "the press is free. Censorship and all other preventive measures are prohibited." Opposition viewpoints are constantly ventilated in the active Greek press, and criticism of the Government is unhampered. Greece's two television and four radio stations are government-owned and operated, and news and information programming in particular tends to reflect the political perspective of the governing party. Opposition viewpoints are aired, although the opposition charges that it is treated unfairly by the electronic media. The Constitution allows for seizure, by order of the public prosecutor, of publications which insult the President, offend religious beliefs, contain obscene articles, advocate a violent overthrow of the political system, or disclose military and defense information. No periodicals or newspapers were seized in 1984. Greece has strict libel laws. Violations of these laws are prosecuted under established legal procedures with the safeguards of due process.

### b. Freedom of Peaceful Assembly and Association

Freedom of assembly is guaranteed by the Constitution, which states "Greeks shall have the right to assemble peaceably and unarmed." Limits on outdoor public meetings exist, however, if police authorities determine that a serious disturbance of social and economic life is threatened. In 1984 no public assemblies were prohibited.

Trade union rights are guaranteed by the Constitution and are respected in practice. The right to bargain collectively and the right to strike are exercised freely, as is the right to associate with international labor bodies. In its 1984 report, the International Labor Organization's Committee of

## GREECE

Experts noted that sections of Greek maritime law continue to violate the Convention on the Abolition of Forced Labor, and the Committee urged the Government to bring the legislation into conformity.

### c. Freedom of Religion

The prevailing religion is Eastern Orthodox. The Constitution guarantees freedom of religion and prohibits discriminatory practices against religious minorities, which in Greece include small communities of Muslims, Jews, and non-Orthodox Christians.

The Muslim minority of approximately 120,000 is principally located in Thrace in northeastern Greece. The Treaty of Lausanne (1923) includes provisions relating to the educational and political rights of the Muslim minority, all of whom are Greek citizens. Two Muslim members serve in the National Parliament, many villages in Thrace regularly elect Muslim mayors, and there are over 250 mosques in Greece. Members of the Muslim community have occasionally alleged that low-level administrative discrimination has occurred in the areas of education (including the selection of textbooks and teachers), application of tax laws, approval to purchase land not owned by Muslims, and the issuance of driver's and business licenses. There is no evidence, however, that these difficulties reflect a policy of political, religious, or cultural repression of the Muslim community. Tensions between Greece and Turkey have made each country's perception of the treatment of its coreligionists in the other country a highly emotional issue, and both countries have viewed human rights questions in light of historical and political differences. There does not, however, appear to be either a generalized pattern of abuses or a policy of official discrimination by the Greek Government.

Greece's small community of Jehovah's Witnesses was affected by the provision in the Constitution which states that "no person shall be exempt from discharging his obligations to the state or may refuse to comply with laws by reason of his religious convictions." In deference to Jehovah's Witnesses, the Government in 1979 modified the compulsory military service law to provide for alternative, noncombat service. While courts of first instance have, on occasion, handed down lengthy sentences to conscientious objectors who refused military or alternative service altogether, prison terms are sharply reduced in the appellate process. Under the law, a conscientious objector can work in conjunction with his prison sentence so that, in practice, he does not serve a sentence longer than his period of military obligation and could serve a shorter period. In its 1984 report, however, Amnesty International stated that it had reports of some 200 Jehovah's Witnesses imprisoned as conscientious objectors at any given time, and that it was working to obtain the release of 15.

In December 1984, three Protestant missionaries were tried and sentenced on charges of proselytizing and causing involuntary abandonment of home by a minor. These sentences were suspended pending appeal.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution guarantees freedom of movement within the country, foreign travel, and emigration. This right is generally respected in practice. Persons intending to emigrate and those returning to Greece experience no discrimination. The Greek citizenship code authorizes expatriation of a citizen of foreign-born parents who is residing abroad. Refugees are not forced to return to homelands from which they have fled.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Greece is a multiparty democracy in which all citizens enjoy full political rights, without regard to race, sex, religion, or political persuasion. Greek citizens freely choose the laws and the officials governing them. The opposition parties function freely, have access to the media, and hold public meetings.

Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Greek Government has not objected to visits and investigations by human rights organizations. Freedom House regards Greece as "free." Amnesty International in its 1984 report expressed concern about cases of conscientious objectors who had been imprisoned, and reported allegations of torture which took place in 1983 (see Sections 1.c. and 2.c.).

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

A country of just under 10 million people, Greece has a relatively high standard of living. Greeks are well-fed: the ratio of calorie supply relative to nutritional requirements is 136 per cent. Life expectancy at birth is about 74 years. The adult literacy rate is 84 per cent for the total population, but almost 100 per cent for adults below 55 years of age. The infant mortality rate is 13.8 per 1,000 live births. The quality and availability of medical care, particularly outside the three major cities, is often substandard.

The economy is experiencing problems, as recession and high inflation persist. Per capita gross national product (GNP) in 1984 is estimated at $3,300. The rate of inflation, as measured by the consumer price index, is expected to be about 19 percent for 1984 as a whole, slightly below the 1983 rate. This result, however, has been achieved partly through price controls. Exchange controls are a common feature of economic life. Greece has a tradition of state economic activities, and the public sector accounts for over 50 percent of GNP. The Greek Government has established a wide range of controls on retail and wholesale prices, placed strict limitations on the transfer of private capital abroad, rationed credit, and restricted the ability of companies to lay off workers.

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Women are guaranteed the same individual, political, and social rights as men by the Constitution. Women play an active yet still minority role in the political life of the country. At present there are 10 women in the 300-member Parliament and one woman minister and two deputy ministers in the Cabinet. Five of the 44 regional governors are women. The position of women in Greek society has undergone rapid change in conjunction with the process of industrializaton and modernization. The Greek Government has given concerted attention to the role of women in Greece and instituted significant reforms in marriage, divorce, and property laws. Women comprise over one-third of the industrial labor force, and the percentage is increasing.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: GREECE

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.AID .................. | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.0 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 281.3 | 281.3 | 501.4 |
| LOANS.............. | 280.0 | 280.0 | 500.0 |
| GRANTS............. | 1.3 | 1.3 | 1.4 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 280.0 | 280.0 | 500.0 |
| C.INTL MIL.ED.TRNG.... | 1.3 | 1.3 | 1.4 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 281.3 | 281.3 | 501.4 |
| LOANS.............. | 280.0 | 280.0 | 500.0 |
| GRANTS............. | 1.3 | 1.3 | 1.4 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 0.0 | 0.0 | 0.0 | 924.7 |
| IBRD | 0.0 | 0.0 | 0.0 | 489.9 |
| IFC | 0.0 | 0.0 | 0.0 | 66.8 |
| IDA | 0.0 | 0.0 | 0.0 | 0.0 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 0.0 | 0.0 | 0.0 | 25.4 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 1.2 |
| EEC | 0.0 | 0.0 | 0.0 | 341.4 |

## HUNGARY

Hungary is ruled by the leadership of the Hungarian Socialist Workers (Communist) Party, which maintains a complete monopoly on political power. Although most civil rights are prescribed by the Constitution, the exercise of such rights is in practice often arbitrarily restricted.

Since the early 1960's, the party has gradually eased internal controls and permitted a greater degree of economic well-being and cultural diversity. The party has sought public support through an explicitly stated policy of social reconciliation under the tenet "who is not against us is with us." Nevertheless, it tightly controls the expression of political opinion, and participation in the political process is not possible outside the limits which it sets.

The human rights situation during 1984 remained generally unchanged. Official harassment of dissidents involved in samizdat (self-published) press activities continued at a relatively moderate level. The activities of political nonconformists were closely controlled. There was some tightening in the party's cultural policy in 1984. Although no human rights activists were known to be arrested or imprisoned, at least one individual was temporarily detained in June and, in November, was subjected to a form of house arrest. The authorities have also generally succeeded in quashing a would-be autonomous peace movement which questioned Soviet as well as NATO nuclear weaponry.

The Government announced that it would increase participation in the political system by requiring multiple candidates for most parliamentary and local council seats at the 1985 elections, and by decentralizing some governmental authority. Contested elections are slated to be held in 1985 for the first time also in the Hungarian trade unions. Individual candidates will be subject to the approval of respective party and trade union councils.

Two notable events occurred in church-state relations in 1984: one was the convocation of the Lutheran World Federation in Budapest in July 1984, the first time such an assembly was held in a Soviet bloc country. The other was a gathering of Hungarian religious leaders in the Parliament building on the occasion of celebration of Cardinal Lekai's 50th anniversary in the priesthood. The state took the unusual step of granting a parcel of land to the Roman Catholic Church for the construction of a new church in Budapest.

Although Hungary's economic prospects were burdened by uncertainties, its economic reforms encouraging individual initiative and a private entrepreneurial spirit continued to unfold. Hungarians are less burdened by the economic restrictions which beset other Warsaw Pact states, and their standard of living compares favorably with those of the other Eastern European countries.

# HUNGARY

## RESPECT FOR HUMAN RIGHTS

## Section 1 Respect for the Integrity of the Person, Including Freedom from:

### a. Political Killing

There is no evidence that killing for political motives occurred in Hungary during 1984.

### b. Disappearance

There have been no reported disappearances in Hungary during 1984.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

No known instances of torture have occurred in Hungary in recent years. There are reports that some who were involved in the 1956 revolution continue to have their activities limited. Citizens, in principle, may bring complaints against the police.

There are three levels of punitive incarceration in Hungary: workhouse, which allows some privileges of visiting, outside work, and leave; jail, which is more punitive; and prison, which means a maximum-security penitentiary. Confinement conditions vary in relation to the category level of incarceration, but all levels are believed to provide adequate diet and health care. Hardened criminals are confined separately from those convicted of petty crimes. With varying degrees of frequency, depending on levels of imprisonment, prisoners have rights to visitation by family members, other relatives, and friends. There does not appear to be deliberate and willful or systematic mistreatment of prisoners.

### d. Arbitrary Arrest, Detention, or Exile

Citizens are generally free from arbitrary arrest. Upon arrest, a detainee must be informed in writing of what offense he or she is suspected of having committed and can be held at a police station for a maximum of 72 hours before charges must be filed. There is no right of bail or provisional pretrial liberty. In cases of suspicion for major crimes, a person can be held in jail 30 days before trial, renewable twice for a maximum of 3 months.

Hungary's penal code contains an article on incitement which permits officials to prosecute for a wide range of utterances or statements. There are reports of individuals being sentenced for denouncing the Communist Party or the Soviet occupation of Hungary. It is not clear how many cases of incitement involve political matters. Official statistics show that 41 cases arose in 1983, resulting in 11 indictments.

In addition, Hungarian law allows for administrative procedures to be applied by police against certain types of offenders. These include various restrictions on movement and forms of house arrest. Although these procedures are not often applied, and then usually against criminal offenders, in at least one case in 1984 they were applied against a person for dissident activity. In November, police placed dissident intellectual Gyorgy Krasso, a samizdat activist, under indefinite "police surveillance." His personal papers were confiscated, he was forbidden to leave his home between the hours of 8 p.m. and 6 a.m., he may not appear in public places such as restaurants, cafes, sports facilities, or movie houses, and he must report regularly to the police. He faces the prospect of fines or imprisonment if he violates any of these prohibitions. He has not been charged, tried, or sentenced in any judicial proceeding.

Another penal code provision on "espionage" provides for punishing "a person who obtains, collects, or gives out data which can be used against the Hungarian People's Republic with the purpose of forwarding them to a foreign government or organization..." Neither the nature of the data transmitted nor the nature of the recipient organization is clearly defined, thus allowing a broad interpretation by the authorities of the kind of "data" considered to be proscribed.

### e. Denial of Fair Public Trial

The Constitution stipulates that all court proceedings are open, except for cases specifically exempted by law (those involving morals or state secrets); and that "all courts are independent" and "subject to laws."

There are few closed trials in Hungary. Those which are closed usually involve "national security," not otherwise defined. In general, judicial procedures are investigatory rather than adversarial in nature. There is no trial by jury. Defendants have the right to choose their own counsel. Courts normally seek to apply the law in a methodical fashion, and non-political trials are more likely to be handled in an impartial manner than are trials involving offenses considered to be political or crimes "against the state."

According to a statement by the Hungarian Minister of Justice in October 1980, two-tenths of 1 percent of all Hungarians in jail can be classified as political prisoners, indicating an actual total of less than 50 individuals. The Minister described three categories of political offenses; war crimes, espionage, and "incitement against the Hungarian Constitution." However, in an article published in February 1984, a professor at the Hungarian Police Academy referred to a study of 402 cases involving 570 persons accused on charges of incitement and harming the public interest. Such charges are often used to cover political offenses.

Additionally, some young men are still believed to be serving jail sentences of up to 3 years for having refused conscription on the grounds of conscientious objection to military service.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for citizens' personal freedom and inviolability, as well as the privacy of correspondence and the home, but in practice these are violated whenever the authorities determine it to be in the state's interest.

However, Hungarian practice does appear to afford a measure of due process. For example, search warrants are generally obtained. House searches are conducted by a court order and must be carried out in the presence of two witnesses. A written inventory must be prepared of items removed from the premises. These procedures are generally adhered to.

In accord with the motto announced by Communist Party leader Janos Kadar in the early 1960's--"he who is not against us is with us"--Hungarian practice has become more tolerant with respect to private activities of individuals. Gathering personal information by formal systems such as block wardens, the use of informers, and overt intrusions of the police into the daily lives of persons has been substantially reduced. It is widely assumed, however, that private telephone lines are tapped and correspondence opened when the authorities have an interest in doing so. Western radio broadcasts are not jammed. Parents who seek to provide religious instruction to their children in their homes are apparently not harassed. Membership in the Communist Party or in party youth and other organizations is not mandatory, though the absence of membership can have an adverse impact upon career possibilities in some fields.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The Constitution provides for free speech and free press, but in practice these rights are subject to substantial limitations. According to the Constitution, these rights are qualified by the need to conform to the "interests of socialism and the people." A Hungarian citizen may not speak publicly against the Communist form of government or Hungary's alliance with the Soviet Union. If a citizen publicly opposes these basic tenets, he or she may be subjected to varying measures of admonition, harassment, and punishment. Self-censorship in media and cultural circles is pervasive, and prepublication censorship occurs from time to time.

Hungarian press, radio, and television are government-owned and carefully adhere to the party's press and ideological guidelines. Editors of newspapers who do not conform sufficiently through self-censorship are subject to removal. As a result, though some carefully nuanced differing views occasionally appear in the press and literature, they are usually well within the general constraints imposed by the party. The authorities have banned the circulation of certain books, magazines, and articles considered not to conform with accepted positions. The right to publish may be restricted for political reasons. A most recent example of official press censorship involved the August 1984 issue of a literary publication Mozgo Vilag which was shredded because of two articles about Trotsky. An alternate issue was distributed later. The public medium which enjoys relatively the greatest freedom of political expression is film, although the most politically controversial are typically withheld from public distribution unless specially authorized.

Western viewpoints can be heard infrequently on Hungarian radio and television. These may be the views of a Western spokesman, broadcast together with those of other participants in a panel discussion, or straight reporting of a Western official's comments on a topical international issue such as U.S.-Soviet relations or events in Afghanistan or Poland. Hungary does not jam Western radio broadcasts, and Austrian and Yugoslav radio and television broadcasts reach much of the country. Hungary also permits some access to Western literature and films, including television programs. Some Western periodicals are available in limited quantities in Hungary, usually in hotels frequented by foreigners, but also in university libraries.

Political dissidence is kept in check by official harassment. Dissident activity in Hungary seems to emanate mainly from intellectuals living primarily in Budapest. However, the February 1984 article referred to in Section 1.e. concerning a study of cases of incitement and harming the public interest points out that in that study, nearly 80 percent of those persons involved were of working class origin and had not even finished high school. The implication is that dissident activities or expressions of dissatisfaction with the regime may not be limited solely to a small group of intellectuals.

Hungary's economic progress over the last decade, its emphasis on consumerism, and its willingness to permit more frequent travel to the West than do other Warsaw Pact states have helped limit the appeal that dissident thought has for much of society. The Government has also shown a general willingness to tolerate without explicit reply or rejoinder some expressions of dissent. It has, however, occasionally expelled or encouraged the emigration to the West of outspoken opponents of the political system. In a recent case, a dissident was denied an exit visa to study abroad and was told that if he wished to leave Hungary, he would be allowed to do so only as an emigrant.

Hungarian dissidents meet irregularly for private discussions of political and other topics. One of the several groups of Hungarian dissidents is active in the distribution of prohibited books and articles in samizdat (self-published) form. Since December 1982, the authorities have engaged in a campaign of harassment against samizdat activists. There have been occasional press articles attacking dissidents and their alleged Western supporters, periodic raids on dissidents' homes, and confiscations of samizdat material. A high level of activity, however, continues. Ten issues of the most sophisticated samizdat publication, the journal Beszelo, which discusses subjects and themes not permitted in the official press, have been circulated since late 1981. Each of the most recent issues was printed in approximately 2,000 copies, which were then passed informally to a wider readership throughout the country. Distribution of Beszelo and other samizdat literature is now believed to occur in a decentralized fashion.

No arrests for dissident activity are known to have occurred in 1984, although Gyorgy Krasso, mentioned in Section 1.d., was briefly detained by police. During the summer of 1983, legal amendments were adopted permitting the authorities to impose fines on individuals involved in unauthorized publishing by administrative means without the need to resort to court trial. On at least two occasions in 1984, the police in Budapest levied fines of 9,000 and 10,000 forints (about $180 and $200) upon people caught possessing or distributing samizdat material. The police are empowered to take this action independent of and without appeal to the court system. Other means by which the authorities seek to discourage or at least moderate dissident activities are the exercise of official influence on employment possibilities and arbitrary denials of travels abroad for some dissidents.

## HUNGARY

### b. Freedom of Peaceful Assembly and Association

Although the Constitution provides for freedom of assembly and the right to form associations, government approval or tacit acceptance is required for the exercise of these rights.

Hungarian dissidents are loosely organized. In December 1979, young intellectuals and professionals formed a group which they called the Foundation for the Assistance of the Poor (known by its Hungarian acronym SZETA). The stated purpose of the group was to raise money and provide financial, legal, and other assistance for the poor within Hungarian society. Their most significant activity was the samizdat publication in 1983 of a well-printed collection of essays, poems, and drawings by 37 writers and artists, some of them prominent members of the establishment. The proceeds from the sale of this book, In the Dark, were donated to the poor. SZETA continued its activities in 1984, but at a much lower level after harassment by the authorities. Other dissidents meet frequently at an informal "free university" in Budapest, where academicians and dissidents lecture on topics which are not discussed in formal university institutions.

A fledgling organization called "Peace Group for Dialogue" was organized in the second half of 1982 by young people, primarily university students and recent graduates. By 1984, many of the group's leaders had left the organization, and membership in the group declined drastically from a one-time high of several hundred. Many young people apparently concluded that the authorities were not prepared to tolerate a genuinely autonomous peace group, and they did not wish to risk their careers by remaining with an organization whose members were increasingly being treated as dissidents.

The Hungarian National Trade Union Council is controlled and directed by the party. It serves the purpose of indoctrinating workers in party policy and also purports to represent worker interests within certain bounds. The Secretary General of the Council is a member of the Communist Party's Politburo. On the local and enterprise level, the Council has a veto over nominations of managers by the state, and administers a system of shop distribution of bonus money, profit sharing, enterprise-controlled housing, health care, union vacation plans, and other benefits. Stewards can veto management decisions on personnel actions, plant safety, and other work-related issues which do not comply with collective agreements and labor regulations. Disputed questions are referred to higher authorities for arbitration. The Council announced in 1984 that it plans to follow the new practice, dictated for the National Assembly (Parliament) and local councils, of holding contested elections for the majority of union offices in 1985, in this case between candidates approved by the Trade Union Council.

The Hungarian Constitution does not provide for the right to strike, but a number of Hungarian commentators have pointed out that they are not prohibited by law. There have been at least two or three localized strikes of several hours' duration in each of the major branches of Hungarian industry in the past 7 or 8 years. These strikes are described as due to the failure of management and union officials to implement existing agreements or to utilize other existing methods of conflict resolution. No major work stoppage which has either affected an entire industrial sector or assumed nationwide proportions has taken place in over a quarter of a century.

### c. Freedom of Religion

Although freedom of conscience and freedom of religious practice are provided for in the Constitution, they are subject to restrictions. While committed to atheism, the authorities profess the acceptability of believers and non-believers working together in the interest of "socialist society." The Government has generally improved relations with the hierarchies of the major religious denominations, many of which have representatives in the National Assembly. Holding religious beliefs, however, can limit the citizen's advancement in government, industry, and the professions.

Some 19 religious denominations are recognized by law; small groups such as Jehovah's witnesses exist but are not recognized. Sizable religious groups include Roman Catholics (5.25 million), Reformed Calvinists (2 million), Evangelical Lutherans (0.5 million), and Jews (100,000). The total number of persons manifesting some religious belief is estimated at 8.5 million out of a population of 10.7 million.

There were several positive developments in church-state relations in 1984. The Catholic Church obtained greater flexibility to offer religious instruction to children. It also made some progress in the establishment of a new religious order of nuns dedicated to the care of elderly and infirm citizens. In October 1984, the state granted the Church a parcel of land for the construction of a new building in Budapest on the occasion of 50th anniversary in the priesthood of the Primate of Hungary, Cardinal Lekai.

Religious denominations maintain close connections with their counterparts in other countries. They also have generally good access to religious materials, including Bibles and prayer books. In many cases, they print their own. They also publish periodicals and newspapers subject to the same state control as the publishing of secular material. During 1984, party and state officials expressed increased interest in cooperating with religious denominations on social matters of mutual concern, including adequate health care, the high divorce and alcohol rates, and juvenile delinquency.

The churches do not act as organizing centers for dissent. However, dissension has grown up within the Catholic Church centering around the "basic community" movement, which has accused the hierarchy of being "collaborationist." The Hungarian authorities have not detained or arrested any clergy, but approximately 12 people have been sentenced to prison terms ranging up to 3 years for refusing military service. The right of conscientious objection is recognized for two small denominations, the Nazarenes and the Jehovah's Witnesses, but not for other Hungarians.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The right of travel remains at the discretion of the state rather than a prerogative of the individual. Exit permission for both Hungarian tourists and emigrants can be and occasionally is denied for vague "reasons of state." There are indications that such permission in certain instances has been denied to dissidents in order to pressure them to abandon or reduce their dissident activities.

Hungary eased its travel regulations for visits to Western countries effective January 1, 1982. More than 500,000 Hungarians currently visit the West annually, while more than 5 million visits are made annually to Warsaw Pact countries. It is possible to pay for trips to Western Europe and other countries in Hungarian currency. Hungarian citizens now have the opportunity legally to visit the West at least once a year --instead of every third year as before--if relatives or friends abroad pay the costs.

Hungarian emigration law is restrictive. A person can normally apply to emigrate only if over 55 years of age and joining a parent, spouse, or child abroad. However, the law provides for exceptions in individual cases, and approximately 90 percent of Hungarians who apply to emigrate for purposes of family reunification receive permission. Persons who are refused permission to emigrate may appeal and reapply; reapplications are sometimes successful, particularly if there are special humanitarian considerations. No systematic official sanctions, such as loss of employment or housing, are imposed on persons who seek to emigrate, and emigrants may take a modest amount of personal property with them. There are no outstanding divided family cases, and at present there is only one emigration problem involving a dual national.

Persons who have emigrated legally from Hungary have a right to return. Persons who leave Hungary as visitors with permission to stay abroad only temporarily and who fail to return are subject to prosecution and sentencing either in absentia or upon their return. Their property becomes subject to confiscation. Hungary appears to follow, however, a discretionary practice of treating such persons leniently, if they return. Prosecution may not occur or, when it does, may amount to a formality leading to a suspended sentence. Returnees probably would not be granted the privilege of visiting abroad again for up to 5 years. Sometimes sanctions, such as deprivation of former employment, are applied.

All adult citizens are issued an identity booklet and must carry it with them at all times; they must register with local police when moving from one locality to another. Although it is possible to move from rural areas to Budapest, this is not encouraged because of overcrowding and a scarcity of housing in the capital.

Regulations introduced in recent years liberalized and simplified procedures for Hungarians to obtain permission to work abroad for up to 5 years. In some instances, a Hungarian who desires to work in the West may now get approval at the local level. The regulations envisage that the family may accompany the worker. The worker must agree to remit 20 percent of hard currency earnings to the Hungarian National Bank, which will convert them into a Hungarian currency account that may be utilized by the individual within Hungary; the worker will be able to retain the remainder in hard currency.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Hungary is ruled by the leadership of the Hungarian Socialist

Workers (Communist) Party. Political activity is not possible outside the party or party-sanctioned organizations. The Constitution explicitly states that the party represents the "working class" and the "interests of the whole of the society." The party uses sanctioned organizations such as the Patriotic People's Front, trade unions, and the Communist Youth League to elicit public support. To a growing extent, the party invites the views and opinions of non-party organizations, such as cooperatives' associations, on policy proposals in which they have an interest, but any implementation is at the discretion of the party.

In 1983, the party announced a limited electoral reform in which 90 percent of the seats in the National Assembly (Parliament) and all seats in local councils must be contested by at least two candidates in the 1985 elections. Candidates need not necessarily be members of the party, but all will have to accept the policies of the party-controlled Patriotic People's Front and must be deemed acceptable to that body. Multiple political parties will not be allowed. The party has stated that it recognizes a need to go beyond the development of electoral forms if the elections are to attract genuine public interest, and if the National Assembly and local councils are to become more significant institutions.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Hungarian Government refuses to accept outside charges or investigations of alleged human rights violations, claiming that this constitutes "interference in internal affairs." Hungary has shown a willingness to engage in discussions with other countries on all aspects of the Helsinki Final Act, including its human rights provisions. In certain elements of its bilateral dialogue with some other countries, Hungary has been willing to discuss quietly some individual problem cases, particularly cases dealing with emigration.

Amnesty International's 1984 report (covering 1983) expressed concern about the imprisonment of conscientious objectors to military service, the arrest and harassment of people who exercised their right of non-violent freedom of expression, restrictions on public access to courtrooms in political trial cases, and the use of the death penalty. Freedom House rates Hungary "partly free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Hungary's economy has many features which are unique in Eastern Europe. Most state-owned enterprises enjoy a relatively high degree of autonomy. In 1984, for the first time, workers in a Gyor factory elected a new manager rather than having one appointed from above. Government economic authorities do not as a rule impose specific production quotas on enterprises, but usually rely on macroeconomic policy tools to guide the economy. Some consumer prices, especially for food items, are set largely by free market forces. Professional and skilled workers have extensive employment opportunities, on a part-time or full-time basis, in the private and quasi-private sectors. There are no food shortages. Private farming activities have long been encouraged on both state and collective farms. Private farming accounts for about one-third of Hungary's total farm production. Moreover, the Hungarian Government has recently begun encouraging private enterprise-type activities in the consumer services sector and in small units within industrial enterprises. However, while the significance of private industrial activities is growing, the purely "private sector" is still not expected to become a large component of the Hungarian economy. In short, through the combination of flexible prices and enterprise autonomy, as well as through government encourgement of private enterprise-type activities, Hungary has produced an economic system that is more sensitive to consumer needs than other Eastern European economies.

One area of the consumer sector where Hungary lags behind is in housing. In 1980, there was an average of 1.5 persons per room in Hungarian dwellings. Although this figure reflects overcrowding, it is an improvement over 1970, when the average was about two persons per room. A substantial portion of this improvement in housing conditions can be attributed to the Government's encouragement of private house construction.

Hungary's standard of living is relatively high for Eastern Europe. Its per capita income in 1982 was estimated at $4,180. Life expectancy at birth is 72 years, the infant mortality rate per 1,000 live births is 18.6, and the ratio of caloric supply available for consumption relative to nutritional requirements is 133.8 percent. Hungary has an adult literacy rate of 98.9 percent. In 1981, the primary school enrollment ratio was 133 percent for both male and female children. The percentage of the population with access to safe water in 1980 was 64.9, 83.8 in urban areas, and 42.8 in rural areas.

More than one-third of the members of the National Assembly are women. Thirty-one percent of the positions on local councils, 42 percent of the leadership positions within the committees of the Young Communist League, and 51 percent of the officer positions in the trade union councils are filled by women. There are nevertheless few women at top levels in the Government or party. Women still account for only one-eighth of the management positions in Hungarian industry and agriculture. Approximately half of these individuals have attained their positions within the past 5 years. Women's share of the more senior jobs, such as general director at state industrial complexes, is considerably lower. Many women in such enterprises tend to work in the personnel and social welfare sections rather than in the economic policy-setting divisions. Women's share of professional positions has been increasing. At present, 7.6 percent of Hungarian women are professionals. The figure for men is 8.6 percent.

Ethnic minorities such as Germans, Slovaks, Serbs, and Romanians make up a very small percentage of the Hungarian population. Hungarian minority policy is liberal in theory and practice. Members of the minorities have full legal equality. As a result of Hungarian social and economic policy, minorities have substantial opportunity to obtain at least some education in their native language, as well as to foster their native cultures. Several million ethnic Hungarians live in neighboring countries, particularly Romania and Czechoslovakia.

A much larger number of Gypsies (estimates range up to 5 percent of the population) live in Hungary. They are not recognized as an official minority. Gypsies as individuals have equality before the law. In practice, the Hungarian Government engages in many programs specifically designed to raise the standard of living of Gypsies and help them to adjust to the mainstream of Hungarian life. Gypsies are on the average, however, considerably less well educated and poorer than the majority Magyar population or the recognized ethnic minorities. Candid discussion continues to appear in the press and specialized literature about the social and economic difficulties experienced by Gypsies, including the fact that considerable popular prejudice exists against them.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: HUNGARY

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.AID ................ | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.0 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 0.0 | 239.4 | 238.8 | 478.2 |
| IBRD | 0.0 | 239.4 | 238.8 | 478.2 |
| IFC | 0.0 | 0.0 | 0.0 | 0.0 |
| IDA | 0.0 | 0.0 | 0.0 | 0.0 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 0.0 | 0.0 | 0.0 | 0.0 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 0.0 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

# ICELAND

Iceland is a modern democratic social welfare state with a parliamentary institution--the Althing--which is the oldest elected parliament in the world. Iceland's highly literate and educated people take an active interest in politics and participate in high percentages in the country's regular elections. Iceland has no military forces or political security apparatus. There is a small, professional police force. Icelanders enjoy a fair and efficient civil and criminal justice system. Internally, Iceland's human rights practices are exemplary. Internationally, Iceland and Icelanders are strong defenders of individual human rights.

## RESPECT FOR HUMAN RIGHTS

## Section 1 Respect for the Integrity of the Person, Including Freedom from:

### a. Political Killing

Politically motivated killings do not occur in Iceland.

### b. Disappearance

There have been no known cases of disappearance of persons.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Coercive methods and harsh punishment are prohibited by law and do not occur in practice. Prison conditions are excellent by international standards. The number of prisoners confined in Iceland is numbered in the tens, most of whom are held under light security conditions.

### d. Arbitrary Arrest, Detention, or Exile

Due process of law is guaranteed in Icelandic legal codes and observed in practice. Habeas corpus exists and is honored. Any person detained by the authorities must be brought before a judge within 24 hours and charged, bound over, or released. There is no preventive detention.

### e. Denial of Fair Public Trial

Fair and public trials are standard. Icelandic courts are free of political control, though the lower court system is administered by the Ministry of Justice. The Supreme Court carefully guards its complete independence. There are no special or military courts. Right to counsel is guaranteed, and the state pays attorneys' fees when defendants cannot. Juries are not normally used, but multiple-bench courts are common, particularly on appeal. The small population allows a relatively informal administration of justice, but due process is rigorously observed. There are no political prisoners.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Icelandic law and practice are based on longstanding regard for the autonomy of the individual and the impropriety of government interference with the personal rights of citizens. Judicial warrants are required for entry into homes, except in cases of hot pursuit. Arbitrary intrusions by official bodies, political organizations, or any other organized group into the personal liberties of Icelanders have not occurred.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Restrictions on personal speech and the press are unknown in Iceland. The country's many newspapers are owned either independently or by the political parties and engage freely in criticism of the Government and each other. Radio and television, a government monopoly, are expected to be nonpartisan and to maintain standards of professional ethics. Public boards representing all political parties, as well as other interests, have been established to supervise state broadcasting. Censorship is applied to print and film materials to control public display of pornography and violence, but there is no government censorship of any media.

b. Freedom of Peaceful Assembly and Association

Individuals in Iceland are free to join together formally or informally to promote nonviolent causes or to protest government policies or actions. An active web of voluntary organizations plays a large part in the social and political life of the country. All such organizations are free to maintain international contacts.

The labor movement is highly organized and democratic. It permeates the entire work force and spans the political spectrum. Labor unions are active and influential in national economic and political life and in the development and administration of a comprehensive social welfare system. However, labor friction arose over the Government's 1983 move to preempt the unions' traditional role in setting wage policy and came to a head in October 1984 when government and municipal workers declared a strike after renewed wage negotiations reached an impasse. Among labor's international contacts, those with Nordic regional labor bodies are especially strong.

c. Freedom of Religion

The Lutheran Church is the established church of Iceland, and the vast majority of Icelanders are nominally Lutheran. There is complete freedom for other faiths. Religious affiliation is not a significant factor in political or social life.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Icelanders have complete freedom to travel at home and abroad, emigrate, and return to Iceland at will.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The political system is a fully functioning parliamentary democracy with a high level of individual participation in politics. A wide range of voluntary organizations and interest groups represent diverse political interests and interact with the formal parliamentary structure. The last national election, in April 1983, resulted in the orderly transfer of power to a new coalition government in May 1983.

Voter turnout is high for all elections. The use of party primaries, proportional representation in multimember districts, and a cultural insistence on representation of the views of all parties in public affairs contribute to an active formal and informal political life, while also insuring in practice the continuation of coalition governments in Iceland.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

There are no known allegations of human rights violations in Iceland. Iceland is represented on the European Human Rights Commission of the Council of Europe and has provided a judge to the European Human Rights Court. Several human rights organizations in Iceland, including Amnesty International, take an active interest in international human rights questions. Amnesty International did not comment on Iceland in its 1984 report, and Freedom House rates Iceland "free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Icelanders enjoy a standard of living and the benefits of a social welfare state on the Scandinavian model. Per capita gross national product in 1982 was approximately $9,580, according to the Icelandic Central Bank.

National policy stresses full employment. Education through the university level is free. Food, shelter, health care, and education are available to all inhabitants without discrimination.

The population of 236,000 is ethnically homogeneous. No forms of discrimination exist in the provision of services, the exercise of rights, or participation in public life. Icelanders are fiercely egalitarian. Full participation in political life has traditionally been overwhelmingly a male preserve. In 1983, for the first time since 1918, a national women's list contested parliamentary elections and succeeded in electing 3 women to the Althing, which now has 9 women out of a total membership of 60. Late in 1983, women committee members of the predominantly rural-based Progressive Party served notice on that party's leadership that unless an increased allocation of party positions were guaranteed to women, they too would consider the formation of independent women's election lists for Progressive Party women. Iceland's chief of state is a woman.

# IRELAND

The Republic of Ireland, a parliamentary democracy with a long tradition of orderly transfer of power, attaches great importance to the observance and maintenance of human rights both in theory and practice. Individual liberties and civil rights are guaranteed and protected by the 1937 Irish Constitution. Ireland places strong emphasis on human rights in formulating foreign policy. It plays an active role in human rights questions in the United Nations, where it has been deputy chairman of the United Nations Human Rights Commission since 1983.

Successive Irish governments have had to deal with the problem of recurring outbreaks of violence in Northern Ireland and its spillover into the Republic. In recent years, the spillover of violence has included the assassinations of the British Ambassador (1976) and Lord Mountbatten (1979), as well as the deaths of individual police officers and soldiers, most recently in late 1983, in armed confrontations with Irish Republican Army and Irish National Liberation Army elements. This violence has led Irish governments of both main political parties to adopt special legislation to deal with acts of terrorism. During 1984 the Government has demonstrated a high awareness of human rights issues and has sought to apply such special legislation with fairness and balance.

In response to a growing crime rate and a serious drug problem in urban areas, an omnibus criminal justice act was passed by Parliament in November 1984. This act gives the police added power to detain, interrogate and charge those accused of criminal offenses.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

### a. Political Killing

Politically motivated killings occur in Ireland as a spillover from the violence in Northern Ireland. In these cases, such groups as the Provisional Irish Republican Army (PIRA) or the Irish National Liberation Army (INLA) usually claim responsibility. Both the Government and the population as a whole strongly deplore these actions. The Government uses the full force of the law to pursue and prosecute such cases.

### b. Disappearance

People are not abducted, secretly arrested, or held in clandestine detention by the Irish authorities, nor does the Irish Government condone such practices by any element of society. Various terrorist groups have sometimes resorted to kidnapping for political purposes, most recently in the case of Don Tidey in 1983. The British-born supermarket executive, kidnapped by the IRA for ransom, was rescued unharmed by the Irish police, but a police officer and an Irish soldier were killed in the operation. In all such cases of political kidnapping, the Irish Government uses full police power either to prevent or solve the crime.

## IRELAND

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Freedom from torture is provided by the general guarantees under the Constitution and is respected in practice. This extends equally to freedom from cruel and degrading punishment. From time to time allegations are made that individual police officers have used physical abuse during interrogations or have mistreated prisoners. Such allegations are investigated and charges, where warranted, have been brought and/or convictions overturned. Some civil rights groups, however, are not fully satisfied with existing investigative procedures, and the Government plans to introduce legislation establishing an independent Police Complaint Review Board on which the Police Commissioner would be the only police representative.

### d. Arbitrary Arrest, Detention, or Exile

The Constitution states that "no citizen shall be deprived of his personal liberty save in accordance with law." The same section of the Constitution provides for habeas corpus and requires that full charges, in writing, be made available to any individual placed under arrest. Neither in law nor in practice is anyone subject to arrest for the expression of political or religious views. Arrest is carried out openly, by warrant, and the right to a fair and speedy trial with full right of legal counsel exists in law and practice. Detention without charge is limited to a maximum of 48 hours. After this period the individual must be brought before a magistrate and presented with written charges and be given legal representation.

Critics of the omnibus criminal justice bill passed by Parliament in November 1984 argue that the increased powers it gives to the police to detain and interrogate suspects could seriously diminish human rights. Supporters of the bill point out that the Irish police under the proposed law would have less power to detain and interrogate suspects than the police forces of other European Community states.

There are no political crimes under Irish law, and there is therefore no political status for any convicted persons. A number of those convicted for terrorist offenses are members of the PIRA and other illegal organizations and will often claim political status. This claim is not recognized.

### e. Denial of Fair Public Trial

Fair public trial is guaranteed by the Constitution and respected in practice. The courts are independent and jury trial is the norm. The Constitution provides, however, for the creation of "special courts" to deal with cases where the "ordinary courts are inadequate to secure the effective administration of justice, and the preservation of public peace and order." The "Offenses Against the State Act" of 1939 formally established such courts and provided that they may try persons for offenses against national security. These courts are used in response to the spillover of violence from Northern Ireland. Rather than having juries, these courts have panels of judges, each consisting of an uneven number of judges, but in any event not less than three; their verdicts are by majority vote. Rules of evidence generally are similar to those of regular courts, except that the statement of a police chief superintendent that the accused is a member of an illegal organization is considered evidence of such membership. Court sessions are usually public but may exclude certain persons, other than genuine press representatives. There is provision for free legal aid and appeal against conviction or sentence.

In 1983 and early 1984 Irish civil rights groups and the Irish chapter of Amnesty International were expressing concern over the case of Nicky Kelly, who had been tried by just such a special court. Kelly, along with two other defendants, was convicted in 1978 of a mail train robbery, the Government's case having been based almost entirely upon confessions. On appeal, the Supreme Court set free Kelly's co-defendants because of "reasonable doubt" that the confessions had been voluntarily obtained, as required by Irish law.

In the meantime, however, Kelly, who had escaped from custody during the course of the initial trial and was not included with his co-defendants in the successful appeal, was sentenced in absentia. In 1980 Kelly returned to Ireland and gave himself up. By court action, Kelly requested an extension of the statutory time limit, which had expired, for filing an appeal against his conviction. In late 1982, the Irish Supreme Court ruled that proper procedures had been followed and that Kelly was not entitled to such an extension. A "free Nicky Kelly" group was organized in Ireland and actively campaigned to have Kelly pardoned. In March 1984, without reference to Kelly's guilt or innocence, the Minister of Justice exercised his power of commutation and ordered Kelly freed. Kelly's supporters are still demanding his full exoneration.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution protects the basic human right of non-interference with personal privacy, family, home, or correspondence which, in general, is observed. The Constitution, however, provides that the State shall enact no law "providing for the grant of the dissolution of marriage." Arguing that divorce is a basic human and family right, an Irish couple, in late 1983, persuaded the European Court of Human Rights to review the Irish Government's denial of their right to a divorce as a denial of human rights. This case is still under review. In addition, an all-party committee of the Irish Parliament has been appointed to review existing law on this subject.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

These freedoms are guaranteed by the Constitution and generally respected in practice. The state endeavors to insure that organs of public opinion, while preserving liberty of expression (including criticism of government policy) shall not be used to undermine public order, morality, or the authority of the state. Furthermore, "publication or utterance of blasphemous, seditious or indecent matter" is an offense punishable by law.

Ordinarily, such censorship as exists in Ireland is directed largely toward materials considered pornographic in nature. Nonetheless, the state-owned radio and television network, on the basis of the constitutional provisions dealing with public order and the authority of the state, have a longstanding practice of denying air time to representatives of Provisional Sinn Fein, the political wing of the illegal PIRA. In late 1982, this prohibition was challenged before the Irish Supreme Court and upheld on constitutional grounds. All other legal political parties are given full and regular access to both public-owned radio and television facilities and major independent daily newspapers. Criticism of the Government in such media is not only allowed but flourishes.

### b. Freedom of Peaceful Assembly and Association

These freedoms are guaranteed by the Constitution and respected in practice. Certain terrorist organizations, such as PIRA, however, are illegal, and membership in them is an offense against national security. The INLA was added to this list in early 1983. Political parties or groups associated with such organizations, such as Provisional Sinn Fein, are not proscribed. Labor unions have full freedom to organize independently from the Government, and engage fully in free collective bargaining. The Irish Congress of Trade Unions, which represents unions in both the Republic and Northern Ireland, has over 90 member unions with over 600,000 members. The Irish Labor Party has not had formal links to the trade union movement since the 1930's, but many union officials and members play an active role in politics through the parties of their choice.

### c. Freedom of Religion

Ireland is 94 percent Roman Catholic. The Constitution guarantees freedom to all religious groups. There are no restrictions upon freedom of worship or association. Discrimination in employment, education, and other fields based on religious grounds has not been alleged. Some Irish laws, such as the prohibition against divorce, reflect the point of view of the majority community. The area of family law is the subject for much current debate in which minority religious communities have felt fully at liberty to take a vocal and active role. Reflecting traditional religious values on the role of women in society, many family law restrictions fall most heavily upon women. Pressure for change in these practices is coming from the relatively new but increasingly effective and articulate feminist movement in Ireland.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There is complete freedom of movement within the country, and freedom to engage in foreign travel, emigration, and voluntary repatriation. Ireland has accepted displaced persons on a limited basis as the needs of particular situations required it.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Ireland is a parliamentary democracy with a consistent history of the orderly transfer of power by elections since the end of the Irish Civil War in 1923. Ireland has two major parties, three smaller parties, and provision for independents to stand for election to either house of the Irish Parliament. The constitutional requirement that elections be held at least every

5 years has always been met. Ireland uses a proportional voting system and the secrecy of the ballot is fully safeguarded. The Government elected in November 1982 is a two-party coalition in which the party leader of the larger party serves as Prime Minister.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Irish Government cooperates with independent outside investigations of alleged human rights abuses. Ireland is currently on the UN Human Rights Commission. Amnesty International is active in Ireland, adopting "prisoners of conscience" in Europe, Asia, Africa, and Latin America. Because of the nature of the special courts described in Section 1.e., Amnesty International has expressed some concern about their conduct. Observers, including representatives of Amnesty, have been given free access to trials conducted in such courts.

Amnesty International's 1984 report mentioned the Nicky Kelly case as it unfolded during 1983, before the commutation of his sentence. Freedom House rates Ireland "free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Successive Irish Governments have successfully promoted industrialization and diversification, raising living standards considerably. The population in 1984 totaled approximately 3.58 million and is growing at 1.2 percent a year. Life expectancy at birth is 73.4 years, and the infant mortality rate is 10 per 1,000 live births. Estimated per capita gross national product in 1982 was US$ 5,149. Over the last 3 years Ireland has been hurt by rising unemployment (16.6 percent in September 1984) and a high rate of inflation (11 percent for 1983). Nonetheless, the people enjoy more than adequate access to food, shelter, health care, and education. These services are available without regard to race, religion, sex, ethnic background, or political opinion. People whose means are inadequate and who are not entitled to other benefits may receive pensions or other payments from public funds.

In recent years women have been playing a more significant role in the Irish work force. Although the Constitution recognizes the woman's role in terms of "her life within the home," women have been entering the office and market place relatively smoothly but slowly. Several recent studies have highlighted the difference in pay scales between men and women and have drawn particular attention to the fact that in recent pay increases female workers have lagged considerably behind the male sector, thus further exacerbating the gap. Equal pay for equal work is now very much on the agenda of Ireland's small but growing women's movement.

# ITALY

Italy is a functioning, democratic, multiparty republic with a parliamentary system of government based on a constitution approved in 1947. Legislative power is vested in the Parliament, which is directly and freely elected on the basis of universal adult suffrage. Executive authority is concentrated in the Council of Ministers. Italy has an independent judiciary. The Chief of State, the President, is elected by Parliament. Since 1947, the Christian Democratic Party has been the dominant party of government, though it has ordinarily ruled in coalition with one or more smaller parties. The current Prime Minister, Bettino Craxi, is from the Socialist Party.

The drafters of Italy's post-World War II Constitution were strongly influenced by Roman Catholic and social democratic traditions. The Constitution contains strong guarantees of political and civil rights that are rigorously observed in practice.

Terrorist violence of both the left and right has declined in recent years due to the effective work of police and magistrates. Although political violence has yet to be completely overcome, its considerable reduction has freed law enforcement resources for the struggle against organized crime, which continues to be a serious problem.

Italy has an industrialized market economy ranking among the top ten in the world in gross national product. It is characterized by sizable government ownership in the primary industrial sectors and by a dynamic private sector, especially at the level of small and medium-sized companies.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

There was only one confirmed instance of a terrorist killing in 1984, marking a continued decline over the previous year. The victim was an American, Leamon Ray Hunt, Director General of the Sinai Multinational Force and Observers which has its administrative headquarters in Rome. Efforts over past years by terrorists of the far left and far right to provoke the forces of order into taking extreme security measures have failed. Government and law enforcement agencies have used the emergency powers granted them to fight the terrorist threat with care and moderation. There are indications that Italian terrorists have received some support from outside the country, particularly from extremist Middle Eastern groups, and there are continuing allegations of direct or indirect East European support. Foreign terrorist organizations have occasionally been active in Italy.

#### b. Disappearance

There have been no cases of disappearance linked to or condoned by the state or its agents. There were no kidnappings by political terrorist groups in Italy in 1984. However, an apparently foreign group continues to claim responsibility for the 1983 disappearance of a teenage Italian girl, Emanuela Orlandi. The group has called for the release from prison of

Mehmet Ali Agca, who is serving a life sentence for the attempted assassination of Pope John Paul II in 1981. Ms. Orlandi is still missing.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Freedom from torture is guaranteed by law and respected in practice. In March, 1984, an appeals court confirmed, with reduced sentence, the conviction of four members of Italy's special anti-terrorist police accused of having abused a suspect to obtain information. The verdict has again been appealed. Cruel and degrading punishment is forbidden by law and not employed by officials. Conditions of confinement vary, and some places of detention are outdated and crowded but not inhuman or degrading. Prisoners charged or convicted of terrorist acts are generally separated from other prisoners.

### d. Arbitrary Arrest, Detention, or Exile

Police procedures in Italy are carefully circumscribed by law and judicial oversight. Arbitrary arrest is not practiced. Anyone detained by the authorities must be charged within 48 hours. Habeas corpus does not exist under Italian law. However, as a safeguard against abuse, "liberty tribunals" are empowered to review evidence in cases of persons awaiting trial and to decide whether continued detention is warranted.

In normal criminal cases, the duration of pretrial detention permitted varies according to the gravity of the crime. When 1984 began, pretrial detention could extend up to 3 years prior to the initial trial; thereafter, detention could theoretically continue up to 3 times that long through the appeals process. In serious cases involving persons charged with acts of terrorism or involvement in organized crime activities, detention through appellate procedures could extend for up to 10 years before a final verdict was rendered.

A reform of laws governing preventive detention was passed by the Italian Parliament during 1984 and began going into effect in August. The reform has been implemented in stages and will not be fully in effect until February 1985, although this timetable may be extended by supplementary legislation. The new law limits the maximum that any person may be held in preventive detention, even for the most serious crimes, to 6 years and to no more than 2 years at each step of the trial and appeals process. Maximum periods of preventive detention are substantially less for lesser crimes. The reform also contains measures aimed at streamlining Italian judicial procedures and speeding trials. Authorities hope that the reform will assist in reducing the number of prisoners awaiting trial or appeals in Italian jails, which now stands at over 20,000.

### e. Denial of Fair Public Trial

A fair public trial is assured by law and observed in practice. Counsel for the accused is mandatory and provided free if necessary. The judiciary is independent of the executive, and there are no political or security courts. All cases may be appealed to the highest appellate court, the Court of Cassation. There are no political prisoners.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

In Italy, the concept of privacy of the home is legally safeguarded and generally respected by the authorities. Searches and electronic monitoring may be carried out only under judicial warrant and in carefully defined circumstances.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Free speech and a free press are assured under Italy's democratic political system, which allows full expression of a wide spectrum of political views. Although there is no censorship, publications may be seized for violation of obscenity laws or for defamation of state institutions or political or ecclesiastical leaders. These powers are seldom invoked. Government-run radio and television are politicized at the administrative level but are open to widely differing views. A large number of private broadcasters air vigorous debate on political and social issues.

### b. Freedom of Peaceful Assembly and Association

Italian citizens' right to free assembly is curtailed only in cases where security or public safety is endangered. Unions are not government-controlled, and their rights to organize, engage in collective bargaining, and strike are fully protected. They associate with international labor bodies freely and without interference. According to government figures, about 40 percent of the work force is organized.

### c. Freedom of Religion

Until 1984 Italy's relations with the Roman Catholic Church were governed by the Lateran Pact of 1929, which guarantees the Church's independence and sovereignty in religious affairs. In early 1984 Italy concluded negotiations with the Vatican on a revised concordat updating the 1929 agreement. The new agreement is currently awaiting ratification. The new concordat recognizes the rights and position of the Church but withdraws Catholicism's status as Italy's state religion. At the same time, the state has undertaken to reach agreements with other religious groups, including evangelical Christian denominations and Italy's Jewish community, clearly defining their rights and legal standing. The Roman Catholic Church continues informally to enjoy special standing in Italy through the facts that the Vatican is located within Italy and the overwhelming majority of Italians are at least nominally Roman Catholic. Nevertheless, all religions are free to organize and proselytize within the limits imposed by the laws governing public order. Individuals may profess and practice any religious faith.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Italian citizens may travel freely both within the country and abroad. Emigration is unrestricted. Citizens who leave are guaranteed their right to return, and the Constitution forbids deprivation of citizenship. Italy has been a haven for many persons fleeing persecution in other countries. There were no cases of forced repatriation of political refugees in 1984.

## ITALY

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Italy is ruled democratically under its free parliamentary system. Although the Fascist Party is outlawed by the Constitution, there exists a wide range of organized and active political parties from the far left of the political spectrum to the far right. Election campaigns are free and open, and voting is by secret ballot. The two chambers of Parliament and regional, provincial, and municipal councils are elected periodically. Opposition groups are active and are frequently able to alter or reject government policies. The regions of Trentino-Alto Adige and Val D'Aosta are organized under special statutes aimed at safeguarding the rights of their respective German- and French-speaking minorities.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Italian Government and non-governmental human rights organizations support human rights throughout the world. Italy participates fully in international human rights organizations. Non-governmental organizations are free to investigate conditions in Italy, attend trials, and to publish their findings. Political parties and religious groups participate in activities related to human rights. Amnesty International has five offices in Italy. Other prominent organizations are the Official Interministerial Committee for the Rights of Man, the Italian Consultative Committee for the Rights of Man, the Institute of Human Rights, and Caritas International. Amnesty International's major concern in recent years has been the excessive length of time some defendants are held in preventive detention (see Section 1 d). In 1984, the Italian Government established an independent human rights commission. Freedom House rates Italy "free."

### ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The Government provides special funds for investment in southern Italy, whose development, for historical reasons, has been slower than that of the north. Despite this historical complication, education and economic and social services are generally available to all without discrimination of any kind. As a country possessing an industrial market economy, Italy encourages the ownership of property alone or in association with others. Italy is a prosperous, developed country with a healthy population of 57 million (1984). Life expectancy at birth was 74.4 years and the infant mortality rate per 1,000 live births was 11.2 in 1984. Per capita gross national product in 1982 was $6,843.

Women have equal status under the law, but they are engaged in a continuing effort to maintain and strengthen their rights. Women participate freely in social and political life and continue to expand their economic role, although they are underrepresented in the professions and management. There are legal limitations on womens' property rights within marriage, which derive from traditional Italian social values. Strong private-sector demand for female labor has ensured a very low level of unemployment among women. Women constitute about 27 percent of the labor force. Public economic and social services are extended on a nondiscriminatory basis.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: ITALY

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 52.2 | 13.2 | 10.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 52.2 | 13.2 | 10.0 |
| A.AID ................. | 52.2 | 13.2 | 10.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 52.2 | 13.2 | 10.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 10.0 |
| B.FOOD FOR PEACE....... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.0 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 52.2 | 13.2 | 10.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 52.2 | 13.2 | 10.0 |
| OTHER US LOANS.......... | 0.0 | 75.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 75.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 0.0 | 0.0 | 0.0 | 399.6 |
| IBRD | 0.0 | 0.0 | 0.0 | 398.0 |
| IFC | 0.0 | 0.0 | 0.0 | 1.0 |
| IDA | 0.0 | 0.0 | 0.0 | 0.0 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 0.0 | 0.0 | 0.0 | 0.2 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 0.4 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## LATVIA*

An independent Baltic state between the two World Wars, Latvia was annexed by the Soviet Union in 1940 and became a constituent republic of the U.S.S.R. The United States does not recognize the forcible incorporation of Latvia into the U.S.S.R.

Like the other Baltic states, Latvia is subjected to the same centralized rule, the same Constitution and judicial system, the same restrictions on civil and political liberties, and the same police controls as the republics in the Soviet Union. Moreover, Soviet policy toward the Latvian nation arouses grave concern because the process of russification threatens its survival as a distinct ethnic group. The influx of Slavic settlers has reduced the proportion of Latvians in Latvia to only 53 percent of the total population.

Human rights violations continued in 1984 as police harassed and imprisoned Latvian national, religious, and human rights activists. Any expression of national rights is harshly repressed. The state of religious liberty has deteriorated as the Soviet authorities harass the clergy and lay leaders of several faiths. Latvians active in human rights issues have likewise been punished with prison sentences.

Like the other Baltic states, Latvia is regarded as economically better off than most areas of the Soviet Union. As an industrial workshop and trading center, it has become a significant producer of industrial goods. Key indicators of agricultural production have risen in 1984, although shortages of food are frequent.

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

Official responsibility for the deaths of persons involved in human rights activities is difficult to establish. Soviet persecution of Latvian activists, however, may lead to their deaths. During a republic-wide series of raids in 1983 by Soviet officials on the houses of Latvian human rights activists, six Latvians were arrested, one of whom died of an apparent heart attack.

#### b. Disappearance

There are no known instances of permanent or prolonged disappearance.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Throughout the Soviet system, cruel and inhuman treatment of political prisoners occurs during both interrogation and confinement to labor camp, prison, or psychiatric hospital.

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* Given Soviet control over all aspects of life in Latvia, the human rights abuses described in the report on the U.S.S.R. apply also to Latvia. This report discusses only instances of repression specific to Latvia.

Physical and psychological abuse of prisoners is common, as is detention under extremely unhealthy or otherwise onerous conditions.

### d. Arbitrary Arrest, Detention, or Exile

Soviet legal provisions are written and interpreted so broadly that Latvians may be arrested and convicted for exercising what are in effect internationally recognized human rights. An example is Zanis Skudra, who is serving a 12-year sentence apparently for compiling and disseminating a photographic record of Latvia's churches since the Soviet annexation.

### e. Denial of Fair Public Trial

As in the Soviet Union, Communist Party control of society is exercised in political cases to negate constitutional guarantees of the objectivity and independence of the judicial process. No rights of a defendant override the self-determined compelling needs of the state.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Through the use of informers, mail censorship, electronic monitoring of telephones, and other devices, government authorities have the ability to interfere in every aspect of personal life. Constitutional guarantees to the contrary, Soviet investigative agencies do not abstain from forced entry and illegal searches. Contacts between Latvians and foreign visitors are strongly discouraged, and those who indulge in such contacts are subject to official harassment.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The Constitution provides for most internationally accepted political liberties as long as their exercise accords with the strengthening and security of the socialist system. In practice, the authorities do not tolerate freedom of speech and press or any dissident behavior. Six Latvians were arrested in 1983 for "anti-state activities" during searches of 50 homes of persons suspected of being dissidents. One of them, Lidiya Lasmane-Doronina, was imprisoned for the third time. She had been helping the wives and families of political prisoners.

### b. Freedom of Peaceful Assembly and Association

The right of association is provided for in the Constitution, but the authorities strictly control all associations and organizations. Latvians peacefully celebrating Latvian Independence Day are subject to arrest, and foreigners visiting their Latvian relatives are frequently interrogated and harassed.

Soviet labor law and practice are enforced in Latvia. Although the Constitution guarantees all Soviet citizens the right to form trade unions, any efforts by workers to exercise this right independently of state-sponsored and controlled unions have been brutally repressed. Given Soviet concern that the ideas of the Polish Solidarity movement might spread, this has been especially true in the Baltic states.

## LATVIA

### c. Freedom of Religion

Despite constitutional guarantees, religious activity is the subject of systematic official harassment. Although Soviet authorities acquiesced in the elevation of Bishop Julian Vaivods, a Latvian, to the College of Cardinals in Rome in 1983, religious liberty continues to be severely abridged.

A Roman Catholic priest complained during a sermon in Riga in 1982 of the restrictions on the number of priests which compel some to serve as many as 17 parishes simultaneously.

Soviet internal security agents are reported to have raided several religious congregations in 1983 and interrogated and threatened the members. In 1984, groups of Latvian Catholics traveling to neighboring Lithuania for the religious festival honoring Saint Casimir were harassed and turned back by Soviet authorities.

Members of the Roman Catholic, Baptist, and Adventist churches appear to have encountered more difficulties with the authorities than the larger Lutheran Church, perhaps because of their outspokenness.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Soviet authorities do not respect the right of emigration. The granting of permission to emigrate from Latvia is arbitrary and subject to increasing restrictions. The authorities harass Latvians whose desire to emigrate is known and cause their living conditions to deteriorate in order to discourage emigration applications. In 1984 Zakhar Zunshaine was charged with "anti-Soviet slander" and sentenced to a labor camp when he publicly protested the fact that for several years he had been refused permission to emigrate to Israel. A Latvian with a claim to U.S. citizenship, Arthur Zarins, has been seeking exit permission since 1947. Currently there are 60 families on the list of those repeatedly refused permission to emigrate to Israel, some of whom have been trying to obtain permission for 10 years.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Non-Communist Latvians have almost no opportunity to participate meaningfully in the political process. Communist Party and governmental authorities in Latvia are severely limited in their ability to advance national interests, if they should choose to do so. In 1958, a movement within the Latvian Communist Party sought to avert further russification through educational reforms, replacement of Russian party officials by native Latvians, and limits on Latvian industrial growth, in order to preclude the need for massive immigration by Slavic settlers. Alarmed by this threat to Moscow's control, the Soviet authorities removed the movement's leadership and carried out a sweeping purge intended to root out party members with nationalist tendencies down to the level of school principals. In 1972, 17 Latvian Communist Party members sent an appeal to West European Communists complaining again of the russification of Latvia's political and economic structure and the submersion of the Latvian language.

## LATVIA

Latvians have the lowest proportion of Communist Party membership of the three Baltic states. In 1973, ethnic Latvians comprised only 43 percent of all party members in Latvia. Latvians are thus a minority in the only legal political party in their country. Political activity outside the Communist Party is not tolerated. Recently the party has acted against persons connected directly or indirectly to the Latvian Social Democratic Workers Party, which is based in Stockholm and which is descended from the principal leftwing political party at the time of Latvia's independence. Among the victims of this campaign were Juris Bumeisters and Dainis Lismanis, sentenced in May 1981 to 15 and 10 years' imprisonment, respectively, on charges of "betrayal of the motherland;" Valdis Vinkelis, 70 years of age, who died in a prison hospital following his arrest in March 1981; and his nephew, Juris Vinkelis, sentenced in January 1982 to two years in prison for circulating literature published abroad. In May 1981, the underground Social Democratic Party distributed a leaflet calling for independence, restoration of democratic rights, and an end to russification.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Soviet Government rejects any foreign criticism of its human rights record, maintaining that all internationally recognized human rights are fully protected. Its attitude toward investigation of the human rights situation in Latvia is uncompromisingly negative.

### ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Since its annexation, Latvia has become an industrial workshop and trading center for the Soviet Union. Soviet authorities have emphasized investment in heavy industry, and industrial output has increased enormously between 1940 and 1984. Because of Latvia's small labor force and very low birth rate, the effect of this disproportionate investment in industry has been to produce a massive influx of Slavic workers from elsewhere in the Soviet Union.

During the same period, agricultural production has increased by a modest one and a half times. The relative underinvestment in agriculture has brought about chronic shortages of food, particularly meat and dairy products, in a country that exported such products during its years of independence. In 1983 and the first 6 months of 1984, meat, milk, and egg production increased significantly. However, these increases come on the heels of an absolute decline in the production of these goods in 1982. Moreover, while meat, milk, and eggs were more readily available in local retail outlets during 1984, fish and fresh produce sales were sharply lower. The average diet remains low in protein. According to official data, investment funds for agriculture grew significantly in the last 2 years.

Although Latvians still appear to be better off than the people of the Soviet Union, deterioration in housing, schools, roads, hospitals, and factories is readily visible.

The large proportion of non-Latvians in the population, along with cultural censorship and an imposed ideology, has placed the Latvian culture and language in jeopardy. With a population of 2.5 million, Latvia has absorbed 600,000 Slavic settlers, more than the other Baltic states. This in-migration, according to Soviet statistics, is continuing at the rate of 12,000 a year. Latvians are close to becoming a minority in their own land and already comprise less than 40 percent of the population of their capital, Riga. Lacking an internal rallying point, such as the Roman Catholic Church provides for Lithuanians, or a nearby external point of cultural affinity, as Finland is for Estonians, Latvians face worsening difficulties in their efforts to preserve and refresh their cultural traditions.

## LITHUANIA*

The largest of the three Baltic states which were independent between the two World Wars, Lithuania was annexed by the Soviet Union in 1940 and became a constituent republic of the Soviet Union. The United States does not recognize the forcible incorporation of Lithuania into the U.S.S.R.

Lithuania is subjected to the same centralized rule, the same Constitution and judicial system, the same restrictions on civil and political liberties, and the same police controls as the republics in the Soviet Union.

Respect for human rights continued to deteriorate as Soviet authorities harassed and persecuted human rights activists, Roman Catholics, and other nonconformists. The Soviet campaign to suppress religious belief and eliminate independent political activity in Lithuania appeared to intensify in 1984. By letter and petition, Lithuanian Catholics displayed a strong sense of unity in protesting the imprisonment of Catholic priests.

As in the other Baltic states, the standard of living in Lithuania is somewhat higher than in the Soviet Union. Industrial and agricultural production increased in 1983 and the first half of 1984, but chronic shortages of foodstuffs and consumer goods mar the overall economic situation.

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

It has been persistently alleged that Soviet security organs were involved in the deaths of three Roman Catholic priests in 1980 and 1981. All three, Father Leonas Sapoka, Father Leonas Mazeika, and Father Bronius Laurinavicius, had been criticized in the official media and died under suspicious circumstances. Father Laurinavicius was a member of the Lithuanian Helsinki Monitoring Group which sought to monitor the Soviet Union's adherence to the Helsinki Final Act.

#### b. Disappearance

There are no known instances of permanent or prolonged disappearance.

#### c. Torture and Cruel, Inhuman or Degrading Treatment or Punishment

Political dissidents are frequently mistreated during interrogation or confinement in labor camp, prison, or psychiatric hospital. Persons accused of publishing or distributing underground publications receive harsh sentences, including prison, labor camp, exile, and psychiatric hospital, typically on the charge of "anti-Soviet agitation and propaganda." In 1980 Algirdas Statkevicius, a member of the

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* Given Soviet control over all aspects of life in Lithuania, the human rights abuses described in the report on the U.S.S.R. apply also to Lithuania. This report discusses only instances of repression specific to Lithuania.

Helsinki Monitoring Group, who had a valid claim to U.S. citizenship, was sentenced and sent to the psychiatric hospital in Chernyakhovsk.

### d. Arbitrary Arrest, Detention, or Exile

The provisions of Soviet law are so broadly worded that they have been used to prosecute persons exercising what are in fact internationally recognized human rights. In 1983, Jonas Sadunas, the brother of Nijole Sadunaite, a human rights activist, was sentenced to 18 months' deprivation of freedom for slandering a Soviet official. Sadunas was briefly incarcerated in a psychiatric hospital before being formally charged. Other examples of arbitrary arrest and detention include Jadvyga Bieliauskiene, who was sentenced to 4 years' deprivation of freedom and 3 years' internal exile for conducting religious activities with her children, and Edita Abrutiene, who was arrested 1 month after the release of her husband, Vytautus Abrutis, a Lithuanian nationalist, from prison. She was subsequently sentenced to 4 years in prison and 2 years in internal exile for anti-Soviet agitation and propaganda. The wife of Vytautas Skuodis, a member of the Helsinki Monitoring Group who has a valid claim to U.S. citizenship and was sentenced in 1980, has been frequently harassed and threatened by Soviet officials.

### e. Denial of Fair Public Trial

As in the Soviet Union, Communist Party control of society is exercised in political cases to negate constitutional guarantees of the objectivity and independence of the judicial process. No rights of a defendant override the self-determined compelling needs of the state.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Through devices ranging from a network of informers to censorship of mail, electronic monitoring of telephones, and jamming of foreign radio broadcasts, government authorities have the ability to interfere in every aspect of personal life. Constitutional guarantees to the contrary, Soviet investigative agencies do not abstain from forced entry and illegal searches. Contacts between Lithuanians and foreign visitors are strongly discouraged, and those who indulge in such contacts are subject to harassment by the authorities.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The Constitution provides for most internationally accepted political liberties provided that their exercise accords with the strengthening and security of the socialist system. As is shown by the frequent imprisonment of religious leaders, human rights activists, and those involved in underground publications, Soviet officials show little respect for freedom of speech and press. Despite the authorities' complete control of the legal media and strict censorship, however, underground publications continue to be produced. Publications such as the Chronicle of the Catholic Church in Lithuania, AUSRA (Dawn), Tautos Kelias (The Path of the Nation), Lietuvos Ateitis (Lithuania's Future), and Perspektyvos (Perspectives) appear regularly.

## LITHUANIA

### b. Freedom of Peaceful Assembly and Association

The right to associate is provided for in the Constitution, but the authorities strictly control all associations and organizations. The Helsinki Monitoring Group is not sanctioned by the authorities, and hence its members have been subject to harassment, arrest, and conviction for "anti-state activity."

Soviet labor law and practice are enforced in Lithuania. Although the Constitution guarantees all Soviet citizens the right to form trade unions, any efforts by workers to exercise this right independently of state-sponsored and controlled unions have been brutally repressed. Given Soviet concern that the ideas of the Polish Solidarity movement might spread, this has been especially true in the Baltic states.

### c. Freedom of Religion

Despite constitutional guarantees, religious activity is subject to systematic harassment. Soviet authorities have apparently mounted a large-scale assault on religion. Reportedly, they are taking control of church committees and excluding priests from them. Because of governmental control over admissions to Lithuania's only theological seminary, the shortage of priests is such that 139 parishes are said to have no permanent priest. Children are harassed to deter them from attending church services. In school, the children of believers are sometimes forced to join atheist organizations or are punished for not joining them.

Catholics attending religious festivities have been interrogated and physically abused, and historic shrines or artifacts have been desecrated. On March 4, 1984, the 500th anniversary of Lithuania's patron Saint Casimir, thousands of believers attended ceremonies throughout Lithuania despite extensive efforts by the Government to curtail the commemoration by spreading disinformation, withholding a message from Pope John Paul II, disconnecting loudspeakers outside crowded churches, and scheduling school activities for children during the ceremonies. The Government refused to allow either Pope John Paul II or his representative to visit Lithuania in honor of St. Casimir, and no Lithuanian religious leaders were permitted to attend ceremonies at the Vatican. Nevertheless, the Soviet authorities approved the elevation of Bishop Liudas Povilonis to the rank of archbishop in the Lithuanian Roman Catholic Church, as well as the ordination of a new bishop in a public ceremony attended by a large number of believers.

Because of difficult conditions created by government reprisals and threats, a group of the Lithuanian Catholic Committee for the Defense of Believers' Rights decided it could no longer function publicly and has gone underground. Although Soviet authorities have tried to suppress its activities, the Catholic Church in Lithuania remains an active and vigorous religious denomination.

In 1983, two Catholic priests were arrested for "anti-Soviet agitation and propaganda." Father Alfonsas Svarinskas, a founder of the Committee for the Defense of Believers' Rights, a key contributor to Catholic underground publications, and an activist in the struggle for religious freedom, was sentenced to 7 years' imprisonment and 3 years of internal exile.

## LITHUANIA

Father Sigita Tamkevicius, an associate of Svarinskas, played a major role in defending religious beliefs. He was apparently arrested during the trial of Father Svarinskas when he testified as a friendly witness. Many supporters of Tamkevicius were detained, interrogated, and in some cases briefly jailed when they in turn sought to attend his trial. Tamkevicius was sentenced in December 1983 to 6 years in a labor camp and 4 years in internal exile for "anti-Soviet agitation and propaganda." In November 1984, Father Maturlonas, one of Father Tamkevicius' supporters, was arrested in Kybartai.

Bishop Steponavicius and 98 priests from the Kaunas Archdiocese sent a letter to the Soviet Communist Party General Secretary in Father Svarinskas' defense, emphasizing the impossibility for Catholic clergy of obeying both canon law and Soviet law on religious activities. Later in 1983, some 123,000 Lithuanians signed a petition for freedom for the two priests despite official efforts to prevent the collection of signatures. The January 1984 issue of the Chronicle of the Catholic Church contained the text of a petition to the Chairman of the Presidium of Lithuania which listed 13 specific examples of religious persecution. Included in the list were lack of religious literature, prohibition of religious processions to cemeteries, government seizure of a church built by the people, and prohibition of teaching religion to children.

For both religious and political reasons, there has been opposition in Lithuania to the drafting of young men into the Soviet Army, particularly for service in Afghanistan. Draft deferment or alternative service for reasons of conscience or religious belief is not permitted by the Soviet regime. Draftees who resist service in Afghanistan have been maltreated and threatened with court martial for treason. Those who enter the military service but continue their religious practices are subject to physical maltreatment and psychological abuse.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The right to travel has been restricted even further during the last 4 years. Many Lithuanians have family and personal ties with Poland. In past years, travel back and forth was relatively frequent. Since the emergence of the independent Solidarity trade union movement in Poland in 1980, the Polish-Lithuanian border has been closed for extended periods. The importation of printed materials from Poland was sharply curtailed during 1981. Soviet propaganda in Lithuania against the Solidarity union, designed to suppress the formation of a free labor movement in Lithuania, was particularly active.

Emigration from Lithuania virtually stopped in 1984. Although many Lithuanians have close relatives abroad, Soviet authorities use various vague phrases, such as "against the interests of the state," in order to refuse to permit the reunification of families. The authorities try to deter people from emigrating by dismissal from employment, psychological harassment, and alteration of the procedures for exit visa applications. At least six Lithuanian families have been repeatedly refused permission to emigrate to the United States. Another five families each contain a member with a claim to United States citizenship. The list of those refused permission to emigrate to Israel includes 46 families.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Communist Party of the Soviet Union, through its leaders in Moscow, directs and controls all political, economic, cultural, and social developments. It is defined in law as the "leading and guiding force of Soviet society" and is the only political party that is tolerated.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

Rejecting foreign criticism of its human rights record, the Soviet Government argues that it fully protects all internationally recognized human rights. It will not permit any investigation of the human rights situation in Lithuania.

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

With a population of 3.4 million, Lithuania is the most rural of the Baltic states. Half the labor force remains employed in agriculture. Until recently, it enjoyed a relatively high standard of living compared to the average level of the Soviet Union. Soviet statistics show that industrial production increased during the first half of 1984 by 6.6 percent over 1983, meat production by 14 percent, and housing by 8 percent. However, production of food and consumer goods for Lithuanian consumption does not meet demand, and much is exported to Poland and the U.S.S.R. Shortages of these goods are expected to continue and may lead to a deterioration of the average diet.

Although the quality of housing is higher than the general standard in the Soviet Union, living conditions as a whole are not significantly better than in the republics of the U.S.S.R.

Lithuania is far more ethnically homogeneous than Estonia or Latvia. Its relatively high birth rate has helped to stabilize the Lithuanian share of the total population at about 80 percent. Recent statistics, however, indicate that Lithuania's birth rate is declining while the rate of migration into Lithuania from other parts of the Soviet Union is increasing. These trends suggest that Lithuania may soon face the kind of demographic shifts that have already aroused the apprehensions of the Estonians and Latvians.

Thus far, the homogeneity of the population, its strong sense of national identity, and the binding force of the Lithuanian Catholic Church have helped to preserve many of the country's moral and cultural traditions. Nevertheless, the disruptive effects of an anti-religious ideology and a policy of forced collectivization and industrialization have been severe. Rigid controls on cultural and religious expression have forced many Lithuanians into underground activity which brings them into conflict with the authorities. A reduction in the amount of Lithuanian language instruction at the primary level in 1982, combined with a corresponding increase in the teaching of the Russian language and Russian history, has aroused fear that the groundwork is being laid for the cultural and eventual linguistic russification of the country.

## LUXEMBOURG

Luxembourg is a parliamentary democracy led by a constitutional monarch. As a Western democracy, Luxembourg insures that human rights are respected at home and works actively to promote them internationally. The country's economy is highly industrialized. Its free enterprise system is centered on steel production, service industries (especially banking), radio and television broadcasting, agriculture, and tourism. Luxembourg continues efforts to treat women equally and its large foreign population fairly, and to engage labor unions in the industrial decisionmaking process, together with management and government. The judicial and penal systems are fair and nondiscriminatory. The integrity of the person and civil and political rights are guaranteed by the Constitution and are protected in practice.

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

Killing for political motives by the Government or by opposition political organizations is unknown in Luxembourg. There are no indigenous terrorist organizations in the country.

#### b. Disappearance

Official abduction or secret arrest does not occur.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is prohibited by law and is not practiced. Treatment of prisoners is exemplary. Prisoners have free choice of attorneys and are allowed visitors. A new modern prison to serve all Luxembourg was recently opened.

#### d. Arbitrary Arrest, Detention, or Exile

No prisoners are detained in disregard of generally accepted rights and safeguards pertaining to detention. Habeas corpus is respected. Preventive detention does not exist. Defendants must be charged no later than 24 hours after arrest. Persons can be kept in jail pending trial, if so ordered by a judge. Exile is not imposed.

#### e. Denial of Fair Public Trial

Luxembourg has an independent judiciary, free from executive or military interference. There are military courts, but civilians are not subject to their jurisdiction. Defendants have the right to legal counsel. Charges are formally and clearly stated.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Police must have warrants, issued by the judiciary, to enter a private home. No cases of forced entry have been alleged.

Statutes prohibit other violations of the home such as electronic surveillance. The privacy of correspondence is respected.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The Constitution guarantees freedom of speech and press. Except for restrictions against pornography, there is no media censorship. The Government neither threatens nor intimidates individuals or media critical of it, nor does it interfere with academic inquiry.

### b. Freedom of Peaceful Assembly and Association

Freedom of assembly is guaranteed by the Constitution and respected in practice. Unions have the right to organize, negotiate, and strike, although by tradition strikes are rare in Luxembourg. Unions participate in a tripartite arrangement with government and management in the decisionmaking process on major economic issues. Virtually the entire work force is unionized. Unions and professional groups freely maintain contacts with international bodies in their fields.

### c. Freedom of Religion

Luxembourg does not have a state religion, and there is no discrimination against practitioners of minority religions. However, the population is statistically 99 percent Roman Catholic, and this faith is deeply intertwined with the conservative culture of the country. Thus, a Roman Catholic consensus often surfaces on social issues; e.g., there is no government funding for abortions.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions regarding movement within Luxembourg, foreign travel, or emigration and repatriation. There are no barriers to immigrants from the European Community (EC) countries. The status of citizens of Spain and Portugal in Luxembourg is guaranteed by bilateral agreements and is similar to that accorded citizens of the EC. However, regulations governing admittance for permanent residence have been tightened. Although Luxembourg is not a country of first application for refugees, government officials believe that, on a per capita basis within the EC, relatively liberal numbers of refugees (notably Vietnamese) have been admitted. Once admitted, refugees benefit from state social programs and are well treated.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Luxembourg is a parliamentary democracy in which all citizens 18 years of age and older can participate in national elections held every 5 years. In the elections of 1984, voter participation was 89 percent. The 64-member Chamber of Deputies is composed of members of five political parties, elected on the basis of proportional representation. Luxembourg's sizable foreign resident population (26 percent) does not have the right to vote. Its members may join organizations such as labor unions which exert considerable indirect influence on the political process. Significant numbers of women hold political office, including the Mayor of Luxembourg City.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

Luxembourg governments have consistently supported international and non-governmental investigation of alleged violations of human rights. The Red Cross, Amnesty International, and the U.N. High Commission for Refugees have representatives in Luxembourg. Luxembourg is a strong advocate for the respect of human rights and consistently supports human rights in the Council of Europe, the EC, and the U.N. Freedom House rates Luxembourg "free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Luxembourg has adequate medical care, 99 percent literacy, an excellent school system with high enrollment ratios, and little poverty. Women participate freely in political and economic life. Although significant numbers of women hold political office, women by tradition are less active in business affairs.

A notable feature of the economy is the importance of one industry, steel, which accounts for a high percentage of Luxembourg's exports. However, the steel industry is undergoing basic restructuring and is declining gradually in terms of overall economic importance. Vigorous efforts are underway to diversify the economy, partly through promotion of Luxembourg as a financial center and by establishing foreign industries in the country.

Approximately 26 percent of Luxembourg's population of 366,000 are foreigners, and although immigration is now low, the foreign population is growing gradually while the native Luxembourg population is declining. The net population growth rate is 0.1 percent. Despite economic recession and increased unemployment in a society accustomed to virtually full employment, Luxembourg continues efforts to treat its large foreign population fairly. Moreover, in spite of the current economic challenges, Luxembourg remains notably free from social and political instability.

## MALTA

Malta is a constitutional republic with a parliamentary government elected by universal suffrage. The President, Agatha Barbara, is head of state, and the Prime Minister, Karmenu Mifsud Bonnici, is head of government. Former Prime Minister Dom Mintoff, who resigned December 22, 1984, has long dominated Maltese foreign and domestic policy and retains considerable influence. As a former British colony, Malta is a member of the Commonwealth and continues to follow many British traditions.

The Maltese Constitution states that every citizen is entitled to fundamental individual rights and liberties regardless of race, color, creed, sex, place of origin, or political opinion. The threat to these generally observed standards emanates from Malta's intensely partisan political disputes which affect important institutions such as the judiciary, the national broadcasting system, hospitals, schools, and the Roman Catholic Church. These disputes were reinforced by the outcome of the December 1981 election in which the Nationalist Party won 51 percent of the popular vote, but the Labor Party took a majority of parliamentary seats owing to the redrawing of electoral districts. As a result, Nationalist Party members boycotted Parliament, and the party also began a boycott of products advertised on TV Malta. In April 1982 the Speaker of the Maltese House declared the Nationalist members unseated, and the Government proceeded to treat the Nationalist Party as an "illegal party."

Although the Nationalists returned to Parliament in March 1983 as part of an agreement of "national reconciliation," political tensions remained high. In November 1983, hundreds of police searched the headquarters of the Nationalist Party and a warehouse owned by party sympathizers for an illegal transmitter used by the opposition after it had been denied access to government-controlled radio and television stations. Some arms were found at both locations. Tension eased somewhat as the Nationalist Party on January 1, 1984 announced the end of the boycott against TV-advertised products.

The focus in 1984 has been primarily on the Roman Catholic Church. In August the Government insisted that private schools provide tuition-free education and suspended the licenses of eight Church-operated schools and one private school. At the same time, the teachers' union decided to strike over longstanding grievances about working conditions and salaries. Declaring that such a strike would be illegal, the Government threatened that striking teachers would be locked out of the schools. The strike began at the end of September 1984. The Church closed all its schools in protest over the Government's suspension of the licenses of some of them. At the climax of a week of public demonstrations, several hundred Labor Party supporters led by then Senior Deputy Prime Minister and Minister of Education Karmenu Mifsud Bonnici held a street rally in Valletta which ended with an assault on the law courts and the Archibishop's offices. This unprecedented physical attack on the Catholic Church resulted in a meeting between Prime Minister Mintoff and Archbishop Mercieca, the first in many years. In mid-November, a settlement was reached whereby the Church was allowed to open and operate its schools tuition-free for the remainder of the academic year, although the basic issue remains unresolved. The court has not yet rendered judgment on the legality of the Government's suspension of the licenses of the Church schools, and

## MALTA

Church-state relations remain very strained. The principle of freedom of religion, at least as applied to Church-sponsored schools, is perceived to be in question.

On October 10, 1984, a one-day strike was called by the Confederation of Trade Unions in support of the ongoing strike by the Movement of United Teachers. The Confederation claimed that 27,000 workers participated in the strike, making it the largest in Malta's history. The teachers returned to work on November 13 after the Government agreed to lift the lockout. The Government reassigned many returning teachers to new schools.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

There have been no known incidents of political killing sanctioned by the Government or opposition groups during 1984.

#### b. Disappearance

No cases of disappearance are known to have occurred in 1984. In earlier instances which have only recently come to light, Lino Cauchi, an accountant, disappeared in 1982, and the case, which was under police investigation, has not been resolved. In 1981 Louis Bartolo, under arrest on charges of murdering a Labor party activist, disappeared without trace from prison along with a foreign prisoner.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Maltese Constitution prohibits inhuman or degrading punishment. During 1983 the police were accused of carrying out inhuman or degrading treatment of prisoners. In one case a physically handicapped individual testified that during interrogation he was hit on the neck and threatened with being hung from the ceiling. Other injuries of prisoners during interrogations have been widely publicized. The Government has explained these by claiming that "legally permitted force" was used when prisoners were uncooperative.

In a previously unreported incident, the body of Nardu Debono, who had been in police custody, was found under a bridge in 1980. The Government has still not conducted an investigation.

#### d. Arbitrary Arrest, Detention, or Exile.

Freedom from arbitrary arrest or detention is provided for in the Constitution and respected in practice. There are no known political prisoners or persons in political exile. Persons can be, and often are, held by the police for 48 hours of "questioning" without being charged. On several occasions during the past few years prominent opposition figures have been held under this provision, then released and rearrested immediately after leaving the police station. Although this process could, in theory, continue indefinitely, the total time of detention in practice has not exceeded 3 or 4 days. The right of habeas corpus is also guaranteed by the Constitution.

e. Denial of Fair Public Trial

A fair public trial before an impartial court is guaranteed in the Constitution. The judicial system is independent, except in the method of assigning duties to judges, and includes an appeals court.

The Court Reform Act of 1981 limits the jurisdiction of the courts in the area of oversight of administrative actions by the Government. Defendants may not use lawyers in cases before the Industrial Tribunal, which has exclusive authority in disputes regarding workers' rights. Nor may civil servants be represented by lawyers in cases held before the public service commission. Plaintiffs in law suits versus the Government, e.g., constitutional cases on human rights, cannot avail themselves of lawyers who are members of Parliament, although the Government can.

In 1984, the Catholic Church and the Federation of Parent Teacher Associations filed two independent actions against the Government because of its suspension of licenses for certain private schools. The Constitutional Court convened after delays in excess of those allowed by the Constitution but has not yet rendered judgment on appeals by the Government on decisions handed down by the civil court. Under pressure, most of the judges were either disqualified, or disqualified themselves, from hearing these cases in the civil court. The judge who finally agreed to hear the case resigned under pressure from the Government--including passage of a parliamentary motion--and the case has not proceeded. There remain a number of civil and human rights cases where judgment has not yet been issued by the Constitutional Court. During 1984 there have been several statements by senior government officials that perhaps the time had come to do away with existing courts and establish "people's courts."

At the same time there have been several significant cases in 1984, as in previous years, in which the courts have delivered judgments against the Government. But the courts have not provided redress or remedies in several of those decisions.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Protection of the privacy of the home is guaranteed in the Constitution. Most police searches require warrants which are issued only after proper administrative review. However, any police officer above the rank of subinspector may carry out a search without a warrant. The postmaster general employs several people to ensure that postcards, periodicals, and other publications which might be regarded as pornographic are confiscated and destroyed.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

These freedoms are guaranteed by the Constitution. They are also respected in practice, with the single and highly significant exception of radio and television broadcasting. The constitutional provision for an independent broadcast authority to oversee the impartial operation of the media has been ignored since 1982. In early 1984 the Nationalist Party dropped its ban on products advertised on government-controlled media, and these media resumed coverage of Nationalist Party activities. This coverage, however, remains far from evenhanded.

## b. Freedom of Peaceful Assembly and Association

The right to peaceful assembly is guaranteed by law. Although police permits are generally given for political meetings and other public activities by the opposition Nationalist Party, there have been several notable exceptions. In October 1983 the Christian Democrat Students' Association applied for a permit to hold an outdoor exhibit; the police denied the permit and the exhibit was not held. The Students' Association sued the police, claiming that their constitutional right to free speech and assembly had been denied. The court, which took almost a year to render judgment, sustained the Students' Association's claim, but the judgment was moot since the event which was to have been marked by the exhibit had passed. In a similar case involving an exhibit at the National Museum, the court ruled that the Museum had acted impartially in denying the students space to show their exhibit.

Trade unions and other interest groups freely exercise the right to set up associations. The largest labor organization, the General Workers' Union, is closely tied to the Malta Labor Party. There are also several independent unions.

In September 1984, the teachers' union directed its members to strike. The Government immediately responded by locking out all teachers in government schools who refused to sign a declaration that they would not follow the union directive. The opposition joined the teachers' union in charging that this action was a denial of the right of association. Teachers returned to work on November 13 in return for a Government assurance that the lockout would end and that they would not be required to sign any anti-union declaration. The majority of teachers who had participated in the strike were transferred. Additionally, a number of student-workers at the University of Malta, who had followed their union's direction to participate in the strike, were suspended. They were reinstated after signing a declaration pledging not to interrupt their studies again with industrial action.

## c. Freedom of Religion

The right to practice the religion of one's choice in Malta is constitutionally guaranteed. The overwhelmingly dominant religion (99.9 percent) is Roman Catholicism, although there are small groups of Protestants, Muslims, and Jews. The current Government, however, has a pronounced anti-clerical bias. It is engaged in continuous battle with the Catholic Church over the latter's property and accounts. As part of its plan to provide free education for all Maltese children, the Government suspended the licenses of eight Church schools. Although the schools have been allowed to operate for the remainder of the academic year, their long-term future is uncertain.

In 1983, the Government enacted the Devolution of Certain Church Property Act, which provided a mechanism for the Government to take over a significant portion of the Catholic Church's wealth. The court has ruled, in a case brought by the Church against the Government, that this law is unconstitutional and therefore null and void. The Government is appealing this decision.

Beginning with the requirement that education in Church schools be provided free of charge, and later adding other conditions which the Catholic Church felt would result in a basic change in the nature of its schools, the Government announced in August 1984 that it was suspending the licenses of eight Church-run secondary schools. Popular protests against this action were organized by the opposition and by the Federation of Parent Teacher Associations, galvanizing the polarization of Maltese society to an unprecedented decree. An interim agreement permitted Church schools to reopen on November 19. The schools will operate tuition-free throughout the 1984-85 academic year while negotiations continue toward a long-term solution.

The Government's activity in Church-state relations has taken on an increasingly intrusive pattern and is perhaps the single most important human rights development during 1984. The continuation of such intrusion could call into question the integrity of the principle of freedom of religion, at least as this applies to Church-sponsored schools.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Neither domestic nor foreign travel is circumscribed. Freedom of movement, foreign travel, emigration, and repatriation are guaranteed, and that guarantee is respected in practice. Due to an imbalance in bilateral trade with Italy, the Government imposed a restriction forbidding Maltese travelers to Italy from taking any foreign exchange. This effectively prevents most Maltese from going to Italy.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

There is a high degree of participation in the political process in Malta. In the last parliamentary elections (1981), more than 95 per cent of registered voters actually voted. Almost everyone is "politicized," including young school children who often come home chanting slogans of one party or another. Under the Maltese system, a party may gain control of a majority of parliamentary seats without having obtained a majority of the popular vote. This occurred in 1981. Since Labor members are usually required to vote consistently with the wishes of their leader, that person exercises considerable influence despite wide public participation in elections. On a number of occasions in 1984 the then senior deputy prime minister made public statements implying that elections might not be held in the future. The opposition has charged that this most fundamental political right, that of the citizens to change their government, has been threatened.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

No requests are known to have been made for outside investigations of alleged violations of human rights in Malta. Amnesty International does not discuss Malta in its 1984 report. Freedom House in its 1983-84 report called the Government "increasingly anti-democratic" and rates Malta "partly free." In 1984, Maltese citizens established two human rights groups, one named Hielsa (Free), and another calling itself the Committee for Democracy. There has been no official reaction to the formation of these groups, the first of their kind.

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The Constitution declares that availability to all citizens of the highest levels of education and social welfare are fundamental aims of government. Both the Government and the opposition state their commitment to the pursuit of these aims and to the support of the basic rights to own property, to work with just conditions and remuneration, to maintain a standard of living adequate for health and well-being, and to receive universal education. In 1982, the gross national product per capita was $3,797. The population in 1984 was 356,000. Unemployment is 9.4 percent, according to government statistics. Maltese public education is free and open to all. The literacy rate is nearly 90 percent, and education is compulsory to age 16. The primary school enrollment ratio in 1979 was 96 percent. General standards of health care in Malta are high. In 1984, life expectancy at birth was 72.54 years, and infant mortality is 13.4 per 1,000 live births. Government programs in health care have concentrated on providing inexpensive health care services to the largest possible proportion of the population. A prolonged 7-year old labor dispute between the Government and the medical association has led many Maltese doctors to leave the country. The Government also withdrew licenses/support for the remaining Church-run private hospitals, which were consequently forced to close.

Women participate freely in social and political life and continue to expand their economic role, although they are underrepresented in the professions and management. There are traditional legal limitations on women's property rights within marriage, which derive from traditional Maltese social values. Limitations on public sector employment of married women were removed in 1981. Strong private sector demand for female labor has ensured a very low level of unemployment among women. Women constitute about 27 percent of the labor force. Public economic and social services are extended on a nondiscriminatory basis.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: MALTA

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.AID ................ | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.0 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 0.1 | 0.1 | 0.0 | 16.7 |
| IBRD | 0.0 | 0.0 | 0.0 | 6.0 |
| IFC | 0.0 | 0.0 | 0.0 | 0.0 |
| IDA | 0.0 | 0.0 | 0.0 | 0.0 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 0.1 | 0.1 | 0.0 | 7.6 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 0.1 |
| EEC | 0.0 | 0.0 | 0.0 | 3.0 |

## THE NETHERLANDS

The Netherlands is a parliamentary democracy under a constitutional monarch. The full range of the political spectrum is represented in Parliament and the media. Several special features of the Dutch political system, including nationwide proportional voting for Parliament and a media policy that allocates some broadcasting time to all social and political groups, insure that minority viewpoints are represented.

The Dutch attach great importance in their foreign and domestic policies to human rights. Internationally recognized rights are protected by Dutch law and respected in practice. The Dutch have a free market economy with a large social welfare system providing a relatively high level of social benefits.

The state of human rights in the Netherlands remained very good in 1984. The most significant development was the extension of the right to vote in municipal elections to aliens who have resided legally in the Netherlands for 5 years.

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

Killing for political motives by government or domestic opposition political groups does not occur.

#### b. Disappearance

Abductions, secret arrests, and clandestine detention by police or other official security forces do not occur.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and cruel or inhuman punishment are prohibited by law and do not occur in practice. Prison conditions are good by international standards.

#### d. Arbitrary Arrest, Detention, or Exile

Freedom from arbitrary arrest and imprisonment is guaranteed by law and respected in practice. There are no political prisoners in the Netherlands. The equivalent of the right of habeas corpus exists in practice. Preventive detention is permitted only in times of emergency, upon declaration, for a limited time by national or municipal authorities. This power is used infrequently, and normally a person can be held no longer than 6 hours unless charges are brought. Exile is unknown in the Netherlands.

#### e. Denial of Fair Public Trial

The right to a fair, public trial is guaranteed by law and respected in practice. Defendants have the right to counsel, and a system of free or low-cost legal assistance exists for those unable to pay for such counsel. Charges must be formally stated. The judiciary is independent, with a functioning appeals process and a Supreme Court.

## THE NETHERLANDS

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

A judicial warrant is required to enter a person's home or monitor private correspondence. The state respects individual freedom of choice in family matters.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Freedom of speech and press are respected. There is no system of censorship. The press is privately owned, and a wide variety of daily newspapers is published both at the national and regional level. Television and radio are partially subsidized by the Government, but broadcast time is allocated on the basis of audience reaction, and support is provided to private broadcasting societies representing different religious, political, and ethnic groups. Minority political and ethnic groups also receive broadcast time under this system.

### b. Freedom of Peaceful Assembly and Association

Freedom of assembly and association is not restricted. An active trade union movement with almost 2 million members has the legal right to strike. The rights of unions to organize and bargain collectively are well established. Unions are free to participate in political life and frequently exercise that right. Various private interest groups play an active political role.

### c. Freedom of Religion

There is full freedom of religion in the Netherlands. State subsidies are provided to religious organizations for their educational facilities. The amount of the subsidy is based on the number of students attending the schools.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There is freedom of domestic and foreign travel, emigration, and repatriation in the Netherlands. Restrictions are not placed on residence. The Netherlands has provided first asylum for refugees from Eastern European countries and permanent resettlement for a limited number of persons, principally from Eastern Europe and Vietnam.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Netherlands is a functioning multiparty democracy. Nationwide elections are held every 4 years, or more frequently in the event of a parliamentary vote of no-confidence. The most recent elections were in September 1982 when a center-right coalition came to power, replacing a center-left government. Political parties are numerous (13 have seats in Parliament) and represent all points of view, from the far right to the far left. In 1984, some leaders of leftwing parties called for a legal ban on the small extreme center-right party, which many consider openly racist. The Government, however, has opposed such a ban, while at the same time expressing its distaste for the anti-foreign worker sentiments of the Center Party. Women have full political rights and are increasingly represented in political life. Approximately 20 percent of the members of the lower house of Parliament are women.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Netherlands has not been the subject of international human rights investigations. There are a number of Dutch groups interested in human rights abroad, as well as national chapters of international organizations such as Amnesty International. The Netherlands Government is active in the United Nations Human Rights Commission and other international forums concerned with human rights. Freedom House rates the Netherlands "free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The Netherlands per capita gross national product was just under $11,000 in 1982. The right to private property is protected in the Dutch market economy. The welfare state is well established, with an extensive system of cash and tax benefits to assist the unemployed and handicapped and to provide adequate educational and health opportunities to all citizens. There were some reductions in these benefits in 1984 as part of a government program to cut the size of the national budget deficit. Average life expectancy is 75 years, and the infant mortality rate is 7.6 per 1,000 live births. Primary education is universal.

Women enjoy full legal and political equality in the Netherlands. In economic life, the entry of substantial numbers of women into the labor force occurred somewhat later in the Netherlands than in most Western industrialized countries. The Government and most political parties continue to advocate special considerations for women in order to further progress in the area of economic equality. Government programs in this area are coordinated by the State Secretary for Emancipation Policy, equivalent to a deputy minister. There are disagreements among various women's groups and political parties over the effectiveness of the Government's policy in this area, but these disagreements reflect differing political choices over how the goal of full equality can be most effectively reached rather than divergencies about the desired result.

The problems of effectively integrating Dutch racial and ethnic minorities into national economic and social life is perhaps the most difficult human rights task confronting the Dutch Government. Thousands of persons from the former Dutch colony of Suriname and the Netherlands Antilles have come to live in the Netherlands in recent years. In addition, there are significant numbers of foreign guest workers, mostly from Turkey and Morocco. These groups face some overt discrimination in housing and employment, as well as practical limits on opportunities for social and economic advancement caused by inadequate educational levels compared to the majority of Dutch citizens. There is a widespread fear among the Dutch that discrimination is on the rise, prompted by difficult economic times throughout the Netherlands. There have been isolated instances of violence against persons for racial reasons over the last 2 years.

## NORWAY

Norway is a constitutional monarchy and parliamentary democracy. Deeply rooted democratic principles, a strong egalitarian tradition, a lively press, and highly developed educational and social welfare systems have made Norway a leading defender of human rights in the world.

King Olav V is the titular head of state, but his role is mainly symbolic. Norway is governed by a Prime Minister, Cabinet, and a 155-seat Parliament (to be increased to 157 seats after fall 1985) which is elected every 4 years and cannot be dissolved. The minority Conservative Government that took office in 1981 formed a coalition with the Christian Peoples' and Center Parties in 1983. Conservative leader Kaare Willoch remains Prime Minister.

Respect for and protection of human rights are high in Norway. Norway is an active participant in international human rights organizations and has contributed to refugee work. Private groups focus attention at home and abroad on human rights issues. During 1984, major domestic human rights issues concerned the rights of immigrants and those who object to military service on political grounds, as well as continuing concern on expanding opportunities for women.

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

Politically motivated killings do not occur in Norway.

#### b. Disappearance

Secret arrests and detentions do not occur in Norway.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and cruel, inhuman, or degrading treatment or punishment do not exist in Norway's humane penal system. The maximum sentence is 21 years. The emphasis in Norwegian prisons is on rehabilitation.

#### d. Arbitrary Arrest, Detention, or Exile

Norwegian law provides for arrest warrants, which are used except in circumstances such as hot pursuit. Persons can be detained for up to 4 hours without being charged. A person charged with a crime has the right, observed in practice, to appear before a judge for arraignment within 24 hours. If charges are formalized at the arraignment, the judge then determines whether the detainee should be kept in custody or released pending trial. A strong case must be made to justify detention. Possible grounds include fear of flight, needs of the investigation, and fear that a detainee will commit further crimes. During 1984, this provision was used on occasion to detain foreigners found in violation of immigrant regulations, including a well-publicized case in which a Tunisian citizen was detained on grounds that he lost his residence permit when his Norwegian wife filed for divorce. He was held for over a month, but was subsequently released after agreeing to leave Norway upon completion of divorce proceedings.

Although a provision for bail exists in Norwegian law, it is not used. A person in pretrial detention generally appears before a judge every 4 weeks for a new determination of the necessity of continued detention. There is no legal limit on the time a prisoner can be held before trial. In one case brought to trial in 1984, two men accused of narcotics offenses were held in pretrial detention for over one and a half years, but detention for more than a year is rare. The judge also determines any restrictions on mail privileges or prison visits at the arraignment. It is common in narcotics cases and state security cases that a detainee is prohibited from receiving or sending mail (unless read by a judge) or having visitors (other than his lawyer) for a specified period of time (usually during the investigation). Preventive detention exists but is used infrequently, as in the temporary detention of rowdy youth by the police.

### e. Denial of Fair Public Trial

The right to a fair, public trial is guaranteed by law and honored in practice. Only in certain cases, including those involving state security or private family matters, are trials closed. In criminal cases, Norwegian citizens and aliens are entitled to free counsel of their choice, regardless of their income. In certain civil cases, indigent persons are guaranteed free counsel. Charges are stated formally and clearly. Except for the labor court, which mediates industrial relations disputes, the civil court is Norway's only judicial system and thus tries military and security cases as well. The judiciary is independent of both the military and the executive.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The privacy of the family and individual is free from arbitrary interference by the state. Police may conduct searches of the home only with court approval and in instances of hot pursuit when they fear evidence is being destroyed. There have been no allegations of forced official entry into Norwegian homes in 1984. In most cases, wiretapping is prohibited by law, but it can be used in state security cases or narcotics offenses when officially approved by the court, within carefully drawn and monitored legal guidelines. Correspondence may be opened only with authorization of the court in cases involving state security.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Norway's Constitution guarantees freedom of speech and press, and those freedoms are respected in practice. In addition to restrictions on slander and libel, Norwegian law forbids racist or sexist remarks in printed or public speech. During 1984, three leaders of the small neo-Nazi Party were sentenced to short periods of imprisonment for having published and distributed racist tracts at Norwegian schools. No one may publish information concerning national defense which could prove damaging to Norwegian security. A police raid in late 1983 on a leftist journal was based on this provision of law.

Although the raid sparked public criticism that the Government may have violated freedom of the press, a district appeals court during 1984 upheld the charge that one issue of the paper contained information that was potentially harmful to the security of the state.

Norway has an active and diversified press sustained in part by government subsidies. Television and radio have long been operated by one state-owned broadcasting company, but the Government does not exercise direct editorial control. During 1984, an experimental program for local, low-wattage radio stations was expanded throughout the country, and licenses have been granted to over 100 groups to operate local cable television stations, several dozen of which began broadcasting during 1984.

Certain limitations apply to freedom of public expression with respect to the showing of films in Norway. Films must be reviewed by the Norwegian State Film Control Board, which has the authority to censor or ban any film that is overly violent, pornographic, or blasphemous. There is no evidence that any films have been censored because of political content.

### b. Freedom of Peaceful Assembly and Association

Norwegians exercise these freedoms without restraint. Public demonstrations require advance permission which is routinely given.

Unions have the right to organize, negotiate, and strike. However, the Government has the right to invoke compulsory arbitration under certain circumstances and did so during 1984. The Norwegian Federation of Oil Workers (NFOW) presented a complaint to the International Labor Organization in 1984 alleging that the Government's past invocation of compulsory arbitration in specific strikes had violated freedom of association and that the committee having responsibility for arbitration was not impartial. After studying the issue, the International Labor Organization concluded that compulsory arbitration had been invoked in a manner inconsistent with freedom of association, but that there was no reason to call into question the composition or procedures of the arbitration board.

With about 60 percent of the Norwegian work force, unions play an important role in Norway's political and economic life, and are consulted by the Government on important economic and social problems. Although most unions are associated with the Labor Party, they are free of party and government control. They maintain strong ties with international bodies, such as the International Confederation of Free Trade Unions.

### c. Freedom of Religion

The state church is the Evangelical Lutheran Church of Norway, to which 93 percent of the population belong. There is a constitutional requirement that the King and half of the Cabinet belong to the state church. In addition, the Norwegian Work Environment Act permits prospective employers to ask job applicants in certain categories of work, such as positions which can influence child development, whether they respect Christian beliefs and principles.

Approximately 4 percent of the population are registered members of 20 other denominations, which operate freely and may proselytize. No religious community is required to register with the Government unless it desires state support, which is provided to all registered denominations on a proportional basis in accordance with membership.

While the state religion is taught in all public schools, children of other faiths are allowed to be absent from such classes upon parental request. If a sufficient number of students belongs to the same faith, the school will arrange religion classes in that faith. Workers belonging to minority denominations are allowed leave for religious holidays.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government does not impede foreign or domestic travel, and Norwegians have full freedom of movement inside or outside Norway. The right to voluntary repatriation is guaranteed.

Since 1945, the Norwegian authorities have granted asylum to approximately 10,000 persons, about half of them Vietnamese. Asylum or refugee status was granted to 879 persons in 1983. Eastern Europeans who do not meet the requirements for refugee status are often granted residence permits in Norway, even though they do not qualify for ordinary immigration.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Norway is a multiparty democracy ruled by a freely elected government. Seven parties are represented in the Parliament (Storting); distribution of seats is based upon proportional representation. After national elections, the party (or parties) obtaining support from a parliamentary majority governs the country. The Storting may reject or modify government proposals; if a government loses a vote on a major issue of confidence, it resigns and a new government is formed. The minimum voting age is 18, and voter turnout runs at about 80 percent in parliamentary elections. Foreigners who have resided in Norway for at least 3 years and are otherwise eligible have the right to vote.

While the Same (Lapps) are the only significant minority (0.5 percent) with long residence in Norway, the influx of refugees and guest workers has produced other minorities. Neither the Same nor any other ethnic minority is presently represented in the Storting. Women hold approximately 25 percent of Storting seats and 22 percent of Cabinet positions. Some political parties have set goals of 40 percent representation for women for elective positions.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

Norway cooperated during 1984 with the International Labor Organization when it investigated a complaint of violations of the freedom of association. In response to a comment during 1984 by the U.N. High Commissioner for Refugees that certain Norwegian legal provisions do not conform with international refugee policy, the Government announced that it would consider necessary steps to address those concerns. Norway is itself an active participant in international human rights organizations which investigate alleged human rights abuses.

An Office of the Ombudsman provides a direct route for individual complaints against government agencies. A number of organizations in Norway monitor alleged human rights abuses, either inside or, more often, outside the country. They include the Equal Rights Council (concerned with women's rights), the Immigrant Council, the Oslo Peace Research Institute, and the state-supported Human Rights Project. During 1984, the local branch of Amnesty International adopted as a prisoner of conscience a Norwegian who served 90 days' imprisonment for refusing military service on political grounds. Also, the Norwegian Helsinki Committee complained to the police in 1984 about the treatment of a Turkish student by the Aliens Registration Office, noting that the Committee had a responsibility to monitor human rights in Norway as well as abroad. Amnesty International's 1984 Report does not include Norway; Freedom House rates it "free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

An advanced industrial state, Norway has a mixed economy, combining private, public, and state ownership. Its population of 4,145,000 (in 1984) had a per capita gross national product of $14,280 (as of 1982). Life expectancy in Norway is 75.8 years, and infant mortality is 7.6 per 1,000 live births.

Through a highly developed social welfare system that reflects a long tradition of egalitarianism, the Norwegian Government meets the health, educational, retirement, and other needs of its people, regardless of race, religion, sex, ethnic background, or political opinion. The Government has virtually eliminated poverty through redistribution of income by subsidies, progressive income taxes, and other means.

Women and minorities are overrepresented in lower income groups. Lower income workers have, however, enjoyed above-average pay increases in recent years, owing to wage settlements aimed at giving them larger percentage increases. These settlements reflect Norway's resolve to narrow remaining gaps between rich and poor. Women are protected under the Equal Rights Law of 1978 and other regulations. A state Equal Rights Council monitors enforcement of the 1978 law, and an Equal Rights Ombudsman processes complaints of sexual discrimination. The Government provides for liberal maternity leave and time off for either parent to care for their children.

Apart from an extremely small Finnish population in the northeastern corner of the country, the Same (Lapp) people were Norway's only significant minority group until the influx of immigrants during the 1970's. In recent years, the Government has taken steps to protect the cultural rights of the Same by providing Same language instruction at schools in Same-inhabited areas, radio and television programs broadcast or subtitled in the Same language, as well as subsidies for the publication of newspapers and books oriented toward the Same.

## NORWAY

There is a lively political debate on whether current restrictions on non-Nordic immigration, in effect since 1975, are racially motivated and whether minority groups, such as Pakistanis, Vietnamese, Turks, and Africans, are in practice treated equally by Norwegian authorities. Besides providing legal protection for all minorities' rights, the Government has taken active measures to help these groups adjust to Norwegian society, including free Norwegian-language instruction for any foreign resident.

## POLAND

Poland is ruled by the Polish United Workers Party (Communist party), at the head of which, as First Secretary, stands General Jaruzelski, who is also the Premier and the Supreme Commander of the Armed Forces in his capacity as Chairman of the National Defense Committee. Two other parties, the United Peasants Party and the Democratic Party, are represented in the Government and the Sejm (Parliament) but are completely subservient to the Communist leadership.

The Polish Constitution and legal code provide for a wide spectrum of civil and political rights. However, other legislation makes it clear that these rights are subordinate to the self-defined interests of the state.

In the human rights field, two especially significant events occurred during 1984. After the number of officially acknowledged political prisoners grew from 161 in October 1983 to 652 in mid-1984, the Polish Government enacted a wide-ranging amnesty on July 22. Under its terms, to date 632 political prisoners have been released, including all known incarcerated leaders of the independent Solidarity trade union movement and the Workers Defense Committee, a prominent human rights group active between 1976 and 1981. A few political prisoners remain in jail on the grounds that they were also convicted for criminal offenses not covered by the amnesty.

The other significant event was the political kidnapping and murder in October of Father Jerzy Popieluszko, a Catholic priest active on the human rights scene and with close ties to the Solidarity movement. Four officers in the Ministry of Internal Affairs were arrested in connection with his murder, which mobilized public protests in many cities. The four went on trial in late December 1984. Subsequently, it was learned that unknown persons had intruded into the homes of two other priests and had brutally beaten and tortured them for reasons that were not clear. Despite the Government's professed desire for national reconciliation, serious human rights problems remain.

In its determination to establish control over independent associations, the Government during the past 3 years has not only banned the Solidarity trade union and its counterpart in the countryside, Rural Solidarity, but it has dissolved, reorganized, or harassed into submission other organizations and unions, including those of students, writers, journalists, and filmmakers. Only a few institutions, the Roman Catholic Church in particular, have been able to maintain their autonomy and to exercise the right of free speech.

Poland's economic recovery continues slowly under the burden of substantial economic difficulties, including large debts to foreign creditors. Efforts at greater decentralization of decisionmaking have not altered the economic system's basic dependence on central control over resource management, production, and distribution. Poland has a strong, private agricultural sector in which the right to own property is provided. Small private businesses in the crafts and service areas are also permitted.

# POLAND

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

Several deaths in 1984 and the trial of those accused of involvement in a death that occurred in 1983 were particularly noteworthy. On October 19, 1984 Father Jerzy Popieluszko, a noted human rights activist and outspoken Solidarity supporter, was abducted near Torun and later murdered. The perpetrators of the crime have been identified as officers of the Ministry of Internal Affairs. The three men charged with the murder and their supervisor were put on trial on December 27. The trial was expected to last a month. To date, the Government's inquiries into the question of a conspiracy reaching into the higher levels of the party or Government have been inconclusive.

In 1984, the deaths of several Solidarity activists, including that of Piotr Bartoszcze, were widely regarded as politically motivated. Official reports on the cause of Bartoszcze's death state that he crashed his car, possibly while under the influence of alcohol, and then wandered into a nearby field where he fell into an irrigation ditch and suffocated to death. Independent observers say there is reason to believe that Bartoszcze was strangled.

In the controversial case of the suspicious May 1983 death of Grzegorz Przemyk, a young Warsaw student and son of a prominent human rights activist, militia officers indicted in the case were acquitted following a trial. Ambulance drivers also charged in the case were convicted, but released under the provisions of the July amnesty law.

The report of the International Labor Organization's Commission of Inquiry on Poland (June 1984) states that as many as 60 members of trade unions died during the period of martial law. Most of these deaths occurred during strikes or demonstrations, but some, according to information available to the Commission, were said to have been due to mistreatment after arrest. The Commission concluded that "rights connected with life and security of persons were violated in Poland while martial law was in force" and called for "impartial and independent inquiries...to establish the facts, to determine responsibilities and to punish any persons found guilty."

#### b. Disappearance

Instances of prolonged or permanent disappearance do not generally occur. However, Father Jerzy Popieluszko's (see Section 1.a.) disappearance was resolved within 2 weeks of his abduction when his body was found in a reservoir.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There is no evidence that the Polish authorities systematically use torture to extract information or to punish or intimidate. However, the militia (police) and security personnel have been accused of beatings and mistreatment of persons in their custody.

Both the militia and the riot police have employed unwarranted force, such as beatings and the use of water cannon, against anti-government demonstrators. The decrease in the frequency and scale of demonstrations in 1984 could, of course, account for fewer reports of the use of excessive police force.

Before the release of most political prisoners following the July 22 amnesty, there were repeated reports of poor prison conditions for political prisoners. According to these reports, prisons often served virtually inedible food, and some prisoners suffered from food poisoning or even hepatitis as a result of eating the prison fare. Health conditions reportedly were also poor at many of the prisons, although conditions are said to have improved during the last few months before the amnesty. It is unclear whether the poor medical service at some prisons was deliberate or a byproduct of more general problems in the inadequate national medical system. Some prisoners have been furloughed in order to obtain necessary medical care.

Prisoners who engaged in hunger strikes, either to protest poor prison conditions or to gain governmental recognition as political prisoners, were subjected to force-feeding by prison authorities, often administered so crudely as to cause injury.

### d. Arbitrary Arrest, Detention, or Exile

Polish law allows for a 48-hour detention period before charges must be presented to the detainee. After this presentation of the legal basis for formal investigation, the suspect may be held in indefinite "investigatory" or "temporary" arrest. During this period there is no guarantee of access to a lawyer, but once a formal indictment is filed, the defendant is allowed ample time to study the charges in consultation with an attorney of his or her choice. A trial date is set only after the defendant expresses readiness. Legal provisions for bail are rarely used, but suspects, as well as those already convicted, are sometimes furloughed for humanitarian reasons.

Polish law does not contain any provision for forced exile. In September 1984 the government spokesman said that government experts were studying the merits of a bill which would legalize forced exile for a limited period of time. No steps have been taken to introduce legislation on the subject. The idea of "voluntary" exile for adversaries of the regime was explored during 1982 and 1983 when security police told many arrestees and detainees that they had no future in Poland and that the Government would place no obstacles in the way of their emigration.

### e. Denial of Fair Public Trial

The period of martial law in Poland (December 1981-December 1982) was marked by mass internment without trial and by the use of summary military tribunals to try the cases of those who had allegedly violated martial law regulations. These practices have now disappeared. Four leaders of the Workers Defense Committee (KOR), founded in 1976 and voluntarily disbanded in 1981, and seven leaders of the Solidarity trade union were held for more than two and one-half years without trial. The trial of the KOR leaders finally began in July

1984 after one of the four, Jacek Kuron, undertook a hunger strike. However, the trial was interrupted by the amnesty decree, which resulted in the release of the four KOR defendants and the seven Solidarity leaders.

Throughout early 1984, the number of political prisoners grew, including both those who had been convicted and those who were under temporary arrest. The number of political prisoners was 161 in late October 1983, according to official Polish Government count. At the time of the July 1984 amnesty, the Government announced that 652 prisoners stood accused or convicted of crimes of a political nature. At the end of August the Government announced that all but 22 of these prisoners had been released under the terms of the amnesty law.

Only 2 of the remaining 22 political prisoners acknowledged by the Government, Bogdan Lis and Piotr Mierzewski, were identified publicly by the Government. They were arrested in June and were in investigative custody on charges of treason, a crime not covered by the amnesty. The charges against them were dropped "for lack of evidence," and they were released in early December. About 20 political prisoners remain in jail because the amnesty did not cover the criminal offenses for which they had also been convicted.

Many knowledgeable human rights activists in Poland agree that the Government's figures on remaining political prisoners are approximately accurate. These independent observers maintain strongly that Lis and Mierzejewski were political prisoners in the normal meaning of this term, but there is less certainty about the remaining 20 prisoners.

Frequent government harassment of attorneys involved in the defense of political prisoners was noted. In the first half of 1984, several attorneys connected with political cases were interrogated, banned from pleading, dismissed from cases, and even threatened with dismissal from their law practices. Judges who refused to hear cases under accelerated, summary procedures (involving harsher sentencing and lack of the right of appeal) were sometimes forced off the bench.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

It is generally assumed that mail and phone calls are selectively monitored in Poland, although overt censorship of the mail and announced monitoring of telephone calls ceased with the suspension of martial law. Packages to be mailed abroad must be assembled at the post office in the presence of a customs official or postal worker. The Government does not interfere with the right to marry or to have children as one chooses, nor does it prevent the teaching of religion to children at home or in churches. However, the Government often views as suspect the contacts of its citizens with foreigners and with domestic political opponents. Warrantless searches of homes and offices and confiscation of personal documents and property continue in Poland. Warrants are sometimes required under Polish law, although the circumstances under which the warrant requirement applies are ambiguous.

## POLAND

### Section 2 Respect for Civil Rights, Including:

#### a. Freedom of Speech and Press

Although the Constitution provides for freedom of speech, this right is frequently abridged. In August 1984 a Warsaw resident, Wojciech Ziembinski, was sentenced to 3 months in jail for making a patriotic speech and laying a wreath at the Tomb of the Unknown Soldier commemorating the anniversary of the Polish victory over the Red Army in 1920. In Szczecin, according to the press, two persons were sentenced for shouting anti-state slogans during a street gathering on the anniversary of the 1981 signing of the agreement between the Government and striking workers in that city. Two Solidarity leaders, freed under the amnesty, were arrested for trying to organize a demonstration in Wroclaw on August 31, the anniversary of the 1981 Gdansk agreement between the Government and the strikers, and sentenced to 2 months' imprisonment on misdemeanor charges. They have since been released.

On December 16, riot police used tear gas and water cannon to break up a peaceful, orderly march by more than 10,000 people to attend a wreathlaying at the Gdansk monument to workers killed by government forces in 1970. Three participants, including one Solidarity leader released under the amnesty, were sentenced to 3 months' imprisonment on misdemeanor charges.

Although not free, the Polish printed press (as opposed to the more tightly run radio and television system) offers a broader variety of opinion than is found in other Warsaw Pact countries. Some non-governmental but officially tolerated publications, including several which generally reflect the views of the Roman Catholic Church, offer a limited alternative voice to the government-run media, although they are also subject to frequent and extensive government censorship. Their impact is also reduced by government limits on circulation.

The vast majority of newspapers and journals in Poland, however, are state-owned, as are publishing houses and the national television and radio. While the state-owned press follows the approved government line on all essential issues, it provides a forum for debate on certain domestic issues and even on some foreign policy questions. Though this is usually a debate of nuance rather than of fundamental principles, goals, or policies, a certain range of opinion is, in fact, reflected within carefully controlled parameters. The distinct interests of each element of the ruling elite--Government, Communist party, and armed forces--are often reflected in the newspapers they sponsor. Contending views on economic and administrative reform, aspects of public policy and party cadre matters, the nature and extent of dialogue with various segments of Polish society, and the role of the Church and labor unions are sometimes presented in the press.

The Government censors all the media. Censorship generally assumes one of three basic forms. First, many articles are self-censored by their authors before submission, more often to increase the chances for publication than to avoid specific reprisals. Even "establishment" journalists freely but privately discuss the inhibitions which the system places on them. Second, editors of state-run publications may kill an article if they feel its content is too controversial. Controversial articles which do appear are often the result of prolonged bargaining among writers, editors, and censors. Finally, there is the formal government censorship apparatus which clearly strives to maintain tight control over the most influential print and electronic media.

It is frequently impossible to detect the exact impact of the formal censorship process in state-controlled media, but some Catholic publications such as the monthly of the Catholic Intelligentsia Club, Wiez, indicate to their readers, by brackets, where the censors have deleted material and which particular provision of the censorship laws has been invoked. A recent example in the press was an obituary devoted to the late Ukrainian Cardinal Jozef Slipyj. The obituary discussed the Cardinal's early career up to World War II, and then was interrupted by brackets containing the censorship citation. The article resumed with the Cardinal's activities in Rome after 1963. The account of his decades in Soviet imprisonment was entirely deleted.

Some journalists who resigned in protest during the martial law period or who were dismissed from major publications during the process of "verification" of political orthodoxy have now resumed their journalistic activity in smaller-circulation periodicals.

The underground press, chiefly reflecting the views of the banned Solidarity union and its supporters, is still surprisingly successful in turning out timely and professionally produced newspapers, periodicals, and even books, despite government efforts to stamp it out.

Post-martial law legislation gives local and national authorities substantially increased power over universities. This legislation, if enforced, could significantly curb freedom of inquiry at Polish institutions of higher learning. The July 21, 1983 measures gave the central Government the formal right to suspend university senates, councils, and other collegial bodies, and allowed ministers to fire deans, rectors, institute directors, and faculty members. According to the legislation, only those student organizations and associations already in existence and officially sanctioned are approved. The legislation also empowered certain cabinet ministers and rectors to suspend or expel students for disruption of public order or for actions against the interests of the state, and gave to provincial governors the power to fire, transfer, or suspend primary and secondary school teachers for abuses of public order.

### b. Freedom of Peaceful Assembly and Association

Freedom of peaceful assembly and association are severely restricted in Poland. Public meetings and rallies require official sponsorship or permission, and permission is not granted for meetings of opposition groups such as Solidarity. Unauthorized protest meetings and demonstrations continued to occur in 1984, but in fewer cities and with less participation than in 1982. Small gatherings, usually of students or workers, take place in private homes for the purpose of participating in "free university" courses and seminars on Polish history, sociology, economics, and other subjects. The authorities have generally not interfered with these meetings.

A new "law on foundations," enacted in spring 1984, established a judicial basis for the formation of private, non-profit institutions to conduct certain charitable, social, and health-related activities. As of autumn 1984, two such foundations had been registered by the courts. Both are concerned with medical research and services. During the summer and autumn, church and government representatives continued to discuss details of a projected Church-sponsored foundation to assist Polish private farmers.

Every association or club needs either official permission or sponsorship. Since the end of martial law, some organizations, notably Catholic Intelligentsia Clubs, have been permitted to resume activities. Professional associations, such as the Writers' Union, were disbanded under martial law and replaced by organizations more subservient to the Government. These associations must be registered with the courts, which in some cases have refused to grant legal recognition to an association or union because its charter did not conform to legal requirements.

On October 8, 1982, the Government passed a law delegalizing Solidarity and other labor unions and associations and providing for the formation of new unions, under government auspices, to replace them. The law stipulated that in 1983 unions could be formed only at the enterprise level (factory, shop, or other single unit of business), while in 1984 the unions could form federations of unions within single occupational groups (i.e., factory unions of steel workers can federate only with each other). There were 116 federations registered by the fall of 1984, and the Government launched a public-relations and organizational drive to integrate the federations into a new national labor confederation. A national labor congress, consisting of delegates of the official unions, took place in late November 1984. The new unions are in theory supposed to represent the workers in matters affecting wages, conditions of work, and such fringe benefits as allocation of spaces in factory-owned vacation resorts and fair distribution of permits to purchase cars, appliances, or household furnishings.

The right to strike theoretically exists, but it is severely limited. Those who, in the opinion of the authorities, abuse the right are subject to criminal punishment. Unofficial observers believe that hundreds of local unauthorized strikes occurred in 1984, most of which concerned local issues and were settled quickly through conciliatory actions by management. There are reports, however, that the organizers of unauthorized strikes sometimes suffer subsequent discrimination. Political activity by trade unions is specifically forbidden by law. The right to collective bargaining for wages and improved working conditions has been considerably restricted since the suspension and subsequent prohibition of Solidarity.

According to figures provided at the national labor congress, the officially sponsored unions have about 4.9 million members--far short of the Solidarity membership of 10 million before martial law. Active workers are said to make up 60 to 70 percent of official trade union membership, i.e., between

2.9 and 3.3 million people. These percentages are roughly similar with those reported by the ILO Commission of Inquiry, which said that a third of the new unions' membership appears to consist of retirees. The Government has stepped up efforts to promote membership in the new unions through the use of incentives such as promotions, access to day-care centers and factory-owned vacation facilities, reduced rates on merchandise, and access to scarce goods.

Some workers released from internment or imprisonment have been denied jobs at their previous places of employment or demoted to lower paying or less skilled jobs. Some have been unable to find work anywhere in the fields for which they are trained. Previous involvement in Solidarity activities deters management from hiring an applicant, thus curtailing both worker mobility and possibilities for union activity. Since the lifting of martial law, there is also evidence that workers, particularly ex-internees or workers released from prison, continue to be dismissed from their jobs because of their previous or continued association with Solidarity.

In its June 1984 report, an International Labor Organization (ILO) Commission of Inquiry concluded that the Polish Government had infringed ILO conventions 87 and 98 concerning the workers' basic rights to form and maintain free trade unions and to bargain collectively. The Commission called for resumption of union activity based on the standards of the ILO conventions. In November 1984 a substantial majority of the Governing Board of the ILO voted to note the Commission's report, thus turning the case over to the ILO's normal executive machinery. In response, the Polish Government announced its intention to withdraw from the ILO (see Section 4).

### c. Freedom of Religion

There is considerable freedom of religion in Poland. In this overwhelmingly Roman Catholic country, Poles are able to gather freely to worship. The army has a chaplaincy, and soldiers are guaranteed by law the freedom to practice their religion. The Catholic Church maintains over 3,300 churches, schools, and other institutions in Poland; more than 1,200 building projects are under way. The Catholic University of Lublin is the only privately controlled university in the Communist bloc. Seminary studies flourish, and the Church continues to ordain large numbers of priests annually. The Catholic Church maintains significant publishing activities devoted primarily to books and periodicals of a religious nature. The independent Catholic press also publishes extensive religious material. Sunday mass and Protestant worship services are broadcast on Polish radio--one of the few gains remaining from the Solidarity era.

Relations between the Roman Catholic Church and the Polish Government show aspects of cooperation as well as conflict. Their dialogue on problems of mutual concern, for example, facilitated resolution in the spring of 1984 of the question of crosses in schoolrooms in a small town south of Warsaw. Church-state discussions over the past year have continued on the question of the legal status of the Catholic Church in Poland. Church and government discussion has also continued on a proposed Church-sponsored autonomous fund to channel public and private contributions from the West to private agriculture.

## POLAND

The Primate, the Episcopate as a whole, and the clergy continue to call for greater individual freedom and respect for human rights. The Government and the government-controlled press have often been critical of what they consider unwarranted church involvement in political affairs and the alleged use of churches, shrines, and pilgrimages for political purposes. A few members of the clergy have been singled out for special criticism and have been the subject of police investigations and public admonitions. Father Jerzy Popieluszko, kidnapped and murdered in October 1984, was one of the priests most frequently attacked for human rights activism, and in the first half of 1984 he was the target of an official investigation. Father Henryk Jankowski, a priest in Gdansk, was the subject of a similar investigation. In addition, two priests were separately assaulted, beaten, and tortured by unknown persons who intruded into their homes in what was widely believed to be an attempt at intimidating the Church.

There is no official discrimination against minority religions in Poland. However, the Eastern Orthodox, Uniate, Muslim, and Jewish faiths, and the various Protestant denominations, experience varying degrees of difficulty in maintaining places of worship and in providing training for their clergy both because of the number and distribution of their adherents and their limited financial resources. On balance, however, their situation, like that of the Roman Catholic Church, is better than that of their counterparts in other Communist countries.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.

There are no restrictions on travel within Poland, although each person intending to stay more than one day outside his normal place of residence (e.g., at a vacation spot) is supposed to register with the local militia. This can be done in person or by the hotel or hosts. There are no legal restrictions on changing one's residence, but the housing shortage makes this nearly impossible in practice. Cases of persons working in one location and legally "residing" hundreds of kilometers away are not uncommon.

A law of July 21, 1983, permits a plant manager in an "essential industry" to prolong by 6 months the employment of any worker who gives notice to terminate employment. It also sets up compulsory labor exchanges which provide a potential basis for restricting the mobility of workers connected with the dissolved Solidarity union or involved in new trade union activities considered undesirable by the state.

In conjunction with the lifting of martial law, the Government announced a policy of liberalized passport issuance, and a new law went into effect in late 1983. Passport offices must now accept all applications for passports and give written reasons for any denials of issuance, a significant improvement from previous times when offices could and often did simply refuse to accept applications. However, the authorities still require a notarized invitation from a relative or friend outside of Poland before passport issuance can be considered for individual travel to the West. A passport must be returned after completion of travel, and a new application submitted for each trip abroad.

In order to receive an emigration passport, a Pole must divest himself of all property and obtain customs permission for any personal items he or she wishes to take. Once residing abroad, a Polish citizen must exchange an emigration passport for a consular passport (one issued by a Polish consulate abroad) for return trips to Poland. Otherwise there are no formal restrictions on an emigrant's return to Poland.

Only Polish citizens who have been issued emigration passports are legally permitted to take up residence in another country. Polish citizens who depart Poland on tourist passports and take up residence abroad without the permission of the Polish Government may, should they return to Poland for a temporary stay, experience difficulties departing again. Polish citizens who emigrate legally from Poland and who desire to return for brief visits on consular passports generally experience few difficulties with the authorities.

Under Polish citizenship law, only the Council of State may revoke citizenship. According to the law, involuntary revocation must be based on one of the following illegal activities: actions violating the duty of allegiance to the Polish state; actions detrimental to the substantial interests of Poland; departure from Poland after May 9, 1945, and failure to return when so requested by the Polish Government; evasion of military service; or conviction abroad of a crime also recognized as a felony under Polish criminal law. The Government has rarely invoked any of the foregoing provisions.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

General Jaruzelski governs the country along with his close advisors, including trusted colleagues usually from the armed forces, but also from the Polish United Workers (Communist) Party, the technocracy, and the security apparatus. The Military Council of National Salvation dissolved itself with the ending of martial law, but the military continues to have unusually strong influence. Although technically the Communists share power with two other parties, the United Peasants Party and the Democratic Party, in fact the latter two are dominated by the former.

The Constitution specifies that the Sejm (Parliament) is the chief legislative body of the country. While in practice the Sejm approves bills presented to it by the executive with only token dissent, since 1980 a substantial minority of opposition votes has occasionally been recorded, usually on economic issues. Sejm elections to be held in 1984 have been postponed at least until late 1985. In the past, election procedures assured the Communists of a majority of seats.

After public consultations the Sejm enacted a new local election law in February 1984. This law introduced the principle that two candidates may contest each seat, but the method of selecting these candidates and of pairing them virtually assured that the result would be acceptable to the ruling elite. The government-sponsored Patriotic Movement for National Renewal was made the focus of this electoral process. A round of public appearances and media presentations by various candidates preceded the first elections of the post-martial law period, held in June for people's councils, local-level deliberative bodies. Following a call by underground Solidarity leaders for a boycott, voter turnout was well below previous levels in such elections.

Elections may be invalidated if fraud is demonstrated. In the 1984 elections, one result was challenged by a poll watcher on the grounds that some individuals had cast many votes on behalf of persons who had not come personally to the polls. The Supreme Court agreed with the poll watcher and invalidated that result. A new election will be held.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

Although the Government participates in the Conference on Security and Cooperation in Europe, it generally maintains that international inquiries into the human rights situation in Poland constitute interference in Poland's internal affairs. This attitude has been evident throughout the International Labor Organization's (ILO) investigation of violations of international labor standards in Poland. In June 1983 the ILO established a Commission of Inquiry following the Polish Government's failure to meet ILO requests for information and for an on-the-spot visit to verify the accuracy of allegations of such violations. The Polish Government then decided to suspend cooperation with the ILO, of which it is a founding member. The report of the Commission, published in June 1984, noted that the Polish Government "systematically abstained from participating in the procedure and from replying to the various communications addressed to it concerning the complaint." The ILO found that "the basic objection advanced by the Government of Poland to justify its attitude of non-cooperation was...that the procedure of the complaint constituted 'interference in Poland's internal affairs'." The ILO found the Government's objection "devoid of any legal validity." As a result, in November 1984 Poland announced its intention to withdraw from the ILO.

During its 1983 session the United Nations Commission on Human Rights adopted a resolution requesting the Secretary-General or his designee to update and complete a comprehensive study of the human rights situation in Poland originally called for by the Commission during its 1982 session. The Polish Government refused to cooperate in the implementation of either resolution and refused to allow the Secretary-General's special representative to visit Poland in preparation of his report. The Secretary-General visited Poland in February 1984, but his visit took place outside the scope of the Commission resolution. In March 1984, the Commission voted to postpone to its 1985 session a resolution calling for continuing the inquiry into the human rights situation in Poland.

Domestic human rights organizations are not officially tolerated in Poland. The Polish Helsinki Committee, which operates anonymously, issues reports from time to time on the human rights situation in Poland. Following the murder of Father Popieluszko, groups of prominent intellectuals undertook to form several open committees on human rights. The Government declared such organizations illegal and warned foreign news correspondents that they risked prosecution if they attended news conferences called by such committees.

## POLAND

The Catholic Church has interceded with the Polish authorities on human rights matters and has frequently issued public appeals for improvements. Underground Solidarity publications also call attention to reports of human rights violations. The Government shuts down these publications whenever it uncovers them.

Amnesty International's 1984 report (covering 1983) expressed concern about imprisonment of prisoners of conscience, allegations of mistreatment of political prisoners, and the use of the death penalty. Freedom House rates Poland "partly free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The Polish economy has continued to perform poorly, although some improvement has been registered in 1984. Living standards remain about on the level of 1973, and there are few prospects for rapid recovery.

Market supplies are gradually improving, reflecting increased production as well as price rises for farmers. Many consumer goods, however, remain in critically short supply. To ensure the availability of basic food items, the Government rations such staples as flour, sugar, butter, animal fats, and meats. The rationed amounts, however, tend to be less than adequate, requiring those who can afford it to turn to the expensive black market to supplement their monthly consumption. At the same time, the availability of unrationed consumer items continues to be very limited, forcing consumers either to spend time in long lines or to rely on the black market. For persons with access to hard currency, the market situation is entirely different. The Government maintains a chain of dollar stores where virtually every consumer item can be purchased by anyone with hard currency. For those without access, hard currency can be obtained illegally for four or five times the official rate. Housing is in short supply, especially in urban areas where the average waiting time for state-funded housing is about 15 years.

The Government remains formally committed to an economic reform program aimed at decentralizing the economy and giving Poland's alienated work force a greater voice in economic decisionmaking. Despite obstacles posed by a reluctant bureaucracy and by the need to manage a struggling economy, the Government has made some progress in implementing the reforms and in increasing the role of market forces.

Poland's population in 1984 reached 37 million. Life expectancy at birth is about 73 years. Poland's primary education system reaches virtually the entire population with 99 percent of the school age population enrolled. Literacy is almost universal. Poland has a wide-scale system of rural health care, although access to safe drinking water for the rural population remains a problem.

Culturally, Poland has managed to retain a fair degree of openness in art, the theater, music, and dance. Political messages are frequently not very far beneath the surface of Polish theater and film productions. Many leading actors and film makers, however, have had to curtail their activities or work abroad in the post-Solidarity period. Occasionally, Polish authorities have restrained local music performers and entertainers whose message is too overtly political. One of Poland's most popular rock bands was banned from performing in Warsaw in 1983, and other groups have been criticized in the press.

Unofficial cultural life in homes and churches in Poland is very active. In addition, American and other Western films and popular music are readily available in Polish theaters and on radio programs.

Women's rights have not become a public issue in Poland. Voting and other civil and human rights are not denied on the basis of sex. Historical circumstances, including World War II losses, helped open access for women into many previously closed professions. Women work in all blue-collar trades, except for heavy mining and steel, and in all professional fields. Compared to their presence in the work force, however, a small proportion of women are found in the higher levels of local and national government. According to articles in the official press, women also suffer some economic disadvantages because of their perceived inability to work as long or as hard as men and their traditional importance as nurturers of children.

Poland has a liberal maternity and childcare leave policy. Women are entitled to 4 months of paid maternity leave and may then opt for up to 3 years of unpaid child-care leave, after which they are guaranteed a job at the same level of pay. Such a policy has obvious social benefits in terms of child-rearing and strengthening of the family; it also takes pressure off Poland's inadequate day-care system for young children. The negative economic consequences can be very serious, especially in certain female-dominated industries, such as textiles. Because Poland is experiencing both a baby boom and a labor shortage due to inefficient use of available labor, and because prolonged child-care leave is very popular, many jobs remain unfilled.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: POLAND

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL | 35.5 | 24.8 | 20.9 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 35.5 | 24.8 | 20.9 |
| A.AID | 5.0 | 0.0 | 0.0 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 5.0 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.) | 5.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE | 30.5 | 24.8 | 20.9 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 30.5 | 24.8 | 20.9 |
| TITLE I-TOTAL | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL | 30.5 | 24.8 | 20.9 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY | 30.5 | 24.8 | 20.9 |
| C.OTHER ECON. ASSIST | 0.0 | 0.0 | 0.0 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 0.0 | 0.0 | 0.0 |
| PEACE CORPS | 0.0 | 0.0 | 0.0 |
| NARCOTICS | 0.0 | 0.0 | 0.0 |
| OTHER | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL | 0.0 | 0.0 | 0.0 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL | 35.5 | 24.8 | 20.9 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 35.5 | 24.8 | 20.9 |
| OTHER US LOANS | 360.2 | 0.0 | 0.0 |
| EX-IM BANK LOANS | 0.0 | 0.0 | 0.0 |
| ALL OTHER | 360.2 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL | 1.1 | 1.2 | 0.0 | 23.2 |
| IBRD | 0.0 | 0.0 | 0.0 | 0.0 |
| IFC | 0.0 | 0.0 | 0.0 | 0.0 |
| IDA | 0.0 | 0.0 | 0.0 | 0.0 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 1.1 | 1.2 | 0.0 | 20.8 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 2.4 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## PORTUGAL

Since Portugal's peaceful transition from authoritarian to democratic rule in 1974, vigorous democratic institutions have been established, and Portugal today enjoys a pluralistic, multiparty, parliamentary democracy with broad popular legitimacy. The Government is appointed by the President and dependent upon support of Parliament. Members of Parliament and the President of the Republic are freely elected by the people. The young democracy was consolidated in 1982 with the abolition of the Council of the Revolution, which had provided the military a role in overseeing government acts.

The 1982 revision of the Constitution not only consolidated the guarantees of civil liberties contained in the 1976 Constitution but also allowed for a more open economy. Nationalizations and agrarian reform immediately after the 1974 revolution established the primary role of the state in certain areas of commerce, industry, and agriculture. In 1984 the Government began to implement its 1983 economic reform program, designed to open the nationalized banking and other sectors to competition from private enterprise, by authorizing the operation of one private domestic and two private foreign banks.

Portugal has not had a civilian intelligence service since the abolition of the secret police structure in 1974. In 1984, a law establishing new military and civilian intelligence services was passed. An Armenian terrorist attack on the Turkish Embassy in 1983, the assassination of Palestine Liberation Organization representative Issam Sartawi at a Socialist International conference in Portugal the same year, and a number of domestic terrorist acts in 1984 convinced the Portuguese Government that the creation of these agencies was necessary.

A spate of terrorist activity aimed primarily at Portuguese businessmen has not altered the healthy human rights climate, although there have been unsubstantiated charges that prison conditions for the approximately 50 persons arrested and awaiting trial for terrorist activity are substandard. There have also been periodic foreign and domestic complaints about lengthy delays in the handling of cases in the Portuguese courts. Respect for civil and political rights, due process, and the integrity of the person are supported by the Government and reinforced by a vigilant free press. The state-owned national television network on occasion has tailored its programming in accord with political considerations. But opposing points of view can be and usually are aired.

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

Government-sanctioned political killings do not occur in Portugal. The domestic terrorist group, the "Popular Forces of April 25" (FP-25--the date refers to the Revolution of April 25, 1974), claimed credit for several murders, other armed attacks on Portuguese nationals, and numerous bombings of industrial and other sites. In almost every case, the FP-25's targets were Portuguese businessmen who, the group later claimed, had been mistreating Portuguese workers in various ways. Despite FP-25's activity, Portugal continues to enjoy a relatively low level of violence. Common crimes against the person are rare. There is generally a high degree of mutual tolerance and respect for others.

### b. Disappearance

The police and the armed forces do not abduct or secretly arrest and detain individuals. In 1984, there were no terrorist abductions or hostage-takings by Portuguese opposition groups.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution forbids torture and the use of evidence obtained by torture in criminal proceedings. Torture does not exist in Portugal. The Constitution also prohibits cruel, inhuman, or degrading treatment or punishment, which is punishable by fine or imprisonment. There has been no convincing evidence of such treatment or punishment since November 1975. A number of the FP-25 suspects apprehended and indicted in 1984 engaged in a 6-week hunger strike in prison in protest against what they alleged to be an inhumane prison regime. However, no other evidence in support of their allegations has been adduced.

### d. Arbitrary Arrest, Detention, or Exile

No one can be held legally for more than 48 hours unless a prosecuting judge orders preventive detention, which may last a maximum of 4 months for each alleged crime. Since November 1975, individuals in a few cases have been held longer than 48 hours without being charged. In those cases, defense lawyers were able to obtain due process for their clients through legal efforts and publicity. Preventive detention for from 6 to 9 months before trial is not unusual for individuals accused of serious crimes, such as murder or armed robbery. A large backlog of cases in the courts and vacant judgeships have caused trial delays. Judges are required to give priority to the cases of those under preventive detention.

The use of arrest warrants, widely observed in practice, is legally mandatory unless the police apprehend someone in the act of committing a crime for which he is liable to imprisonment for at least 3 years. Habeas corpus is provided for by the Constitution but is seldom used in practice owing to tradition and to the law on preventive detention. The law provides for bail when feasible, but its use is unusual in cases of persons accused of serious crimes. Those arrested have the right to be informed of the charges against them and to be allowed access to a lawyer of their choice. Court-appointed defenders are available to those who cannot afford to hire an attorney. The Constitution does not provide for exile. Forced labor does not exist.

### e. Denial of Fair Public Trial

Portugal has an independent judiciary and a fair judicial system. All trials are public except those which may offend the dignity of the victim, such as cases involving the sexual abuse of children. The accused is presumed innocent until convicted. A public prosecutor develops the case against the accused. A prosecuting judge reviews the evidence and determines whether the alleged offense merits prosecuting and, if so, whether the accused should be detained or released on bail. A panel of three judges (not to include the prosecuting judge) presides over cases which go to trial. A ministerial delegate assists the judges in reviewing the evidence. A jury may be used at the request of the accused in trials for major crimes. The judge(s) or jury renders the verdict. Sentence may be passed only in the presence of the defense attorney.

There have been foreign and domestic complaints about lengthy delays in the handling of cases in Portuguese courts. The European Court in Strasbourg in July 1984 found that Portugal had violated Article 6 of the European Convention on Human Rights providing that "every person has the right to have his case disposed of justly and publicly within a reasonable time." This judgment concerned a case involving a civil suit brought before Portuguese courts several years earlier by a Portuguese national.

There are no political prisoners, although the extreme left often charges that persons sentenced to prison for violent acts, conspiracy, or incitement to violence are political prisoners. Some foreign and domestic groups have charged that FP-25 detainees, particularly Otelo Saraiva de Carvalho, one of the leaders of the 1974 revolution, are political prisoners. However, there is no evidence to substantiate those charges.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

No cases of governmental interference with the privacy of the individual occurred in 1984. There has been no generalized governmental monitoring of correspondence or telephones or use of a system of informers since 1974. The Constitution forbids forced entry into homes and searches without a judicial warrant. In addition, entry into an individual's home at night requires his consent.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Freedom of speech and press is guaranteed under the Constitution and fully suppported by the Government. The constitutionally mandated Council of Social Communication, the members of which are elected by the Parliament, acts as a watchdog to protect freedom of speech and access to the media. It publicizes abuses, makes recommendations to the Parliament, and has enforcement powers (which have never been exercised). The opposition is free to voice its point of view, and the Government tolerates criticism with two restrictions.

First, "Fascist" organizations and activities, including discussion of corporativism, are prohibited by the so-called "anti-Fascist" law of June 1978. Violators are liable to imprisonment for a period of from 2 to 8 years. In practice, however, politicians associated with the former regime freely engage in political activity, and there have been no "Fascist" prosecutions. No laws prohibit or restrict the political activity of extreme leftists.

Second, anyone convicted of "insulting" civil or military bodies or the President of the Republic, if the "insult" was intended to undermine the rule of law, may be imprisoned for up to 3 years. There were no prosecutions for "insult" in 1984.

The Portuguese Government acquired indirect ownership of a significant portion of the country's newspapers when it nationalized the banks, to which they had become heavily indebted. Although the Government subsidizes the press, it does not control editorial content, and the entire political spectrum is represented. Nevertheless, some observers have claimed government use of financial pressure without having been able to present convincing evidence for their allegations.

The two television channels and most radio stations are owned by the state. The Government appoints their administrators, who usually change with the governments. In principle, the Government should not influence their policies or decisions on reporting and usually does not do so directly. In 1984, however, a controversial television documentary on Angola was delayed for 6 months due to strong opposition from the Portuguese Communist Party and pressure by the Angolan Government. An outcry among journalists, civil libertarians, and democratic opposition parties resulted in eventual broadcast of the program.

Opposition parties sometimes charge that television or radio ignores or distorts their views or activities. The Communist Party is most vocal in this regard. However, political parties, trade unions, and other organizations have a right to periodic access to exclusive television time after the evening news. The Communist Party and unions use it vigorously.

### b. Freedom of Peaceful Assembly and Association

Individuals have the right, in law and practice, to associate formally or informally, to promote non-violent causes, and to protest government policies. Formation of a political party requires 5,000 subscribers. Public meetings or protests require 24-hour advance notice to the civil governor of the area involved. Permission is routinely granted.

Workers have the constitutional right to set up unions by profession or industry. Strikes are permitted for any, including political, reasons. Approximately 45 percent of the workers are unionized. Unions are free of governmental control but closely associated with political parties. There are two labor federations. One, the General Confederation of Portuguese Workers, is controlled by the Communist Party and active in Communist-sponsored causes. The other, the General Union of Workers, is a pluralist democratic union affiliated with the International Confederation of Free Trade Unions and the European Trade Union Congress. Its leadership is associated with the Socialist and Social Democratic Parties, and several members have been elected to the Parliament. There are no legal or practical restrictions on union relations with international labor bodies. Since both federations want to represent Portugal in the International Labor Organization, the Minister of Labor has decided that each will do so in alternate years.

### c. Freedom of Religion

There is no state religion in Portugal and the Government does nothing to discourage or to interfere with the free practice of religion, including missionary work and religious publishing. Organized religions may freely establish places of worship, train their clergy, proselytize, and convert. In order to qualify as a tax-exempt institution, an organized religion must legally establish itself as a non-profit, private society.

The prevailing religion is Roman Catholicism. Catholic religious instruction is offered as an elective in the public schools. Pursuit of a civil, military, professional, or political career does not depend on adherence to a particular creed.

### d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution guarantees freedom of movement, foreign travel, and emigration. There are no formal restraints on domestic travel, on the right of a citizen to change residence or place of employment, or on emigration. However, currency restrictions, resulting from a chronic balance of payments problem, in practice impose some limitations on foreign travel. Emigrants and those who travel abroad are free to return. Citizenship is not revoked for political reasons.

A law of August 1980 established a humane refugee program. Displaced persons who qualify as refugees under the technical definition established by the United Nations are given permanent resident status and allowed to work. In practice, no displaced persons are forced to return to the land from which they have fled or in which they fear persecution.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The President and Parliament are elected by secret ballot and universal adult suffrage under a democratic system. Opposition parties and candidates operate freely and enjoy access to the media. Only "Fascist" organizations are outlawed. General elections for the Parliament are held at least every 4 years. The President has a 5-year mandate and may serve no more than two consecutive terms.

The population is overwhelmingly European and ethnically homogeneous. There is a small African minority, most of whom immigrated to Portugal when the former African colonies won their independence following the 1974 revolution. There are no legal restrictions on political activity by Portuguese of African heritage.

## Section 4 Government Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

Portugal has cooperated with independent outside investigations of human rights conditions and actively participates in the monitoring of human rights by the Council of Europe. Amnesty International and other private international human rights groups operate freely in Portugal. The most important domestic human rights group is the Portuguese section of the International Commission of Jurists, which considers the human rights situation in Portugal to be "on the whole, positive and satisfactory." In its 1984 report, Amnesty International did not mention Portugal. Freedom House rates Portugal "free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

According to World Bank data, Portugal's population is 10,045,000, and per capita gross national product is $2446. Current life expectancy at birth is 71.7 years, and the infant mortality rate is 21.7 per 1,000 live births. The Government has instituted a large-scale school construction program to improve educational opportunities. Free primary school education is now available throughout the country. New regional colleges are spreading higher education beyond the traditional centers of Coimbra, Lisbon, and Oporto.

Portugal currently imports about 60 percent of its food needs. A worsening of the economic situation, including deficits in both the balance of payments and domestic budget, has forced the Government to reduce its subsidization of basic food and agricultural commodities. Food, shelter, health care, and education are available to all inhabitants regardless of race, religion, sex, ethnic background, or political opinion.

The Civil Code guarantees full legal equality to women in accordance with the Constitution. Portugal was one of the first signatories of the UN Convention on the Elimination of All Forms of Discrimination Against Women. In 1979, a woman served as Prime Minister. Five women at present serve as secretaries of state (deputy ministers) in the national Government. Women play an active role in the political parties but remain underrepresented in party and government leadership positions. They are gradually increasing their representation in business, government, and the professions.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
## (U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: PORTUGAL

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 20.0 | 20.0 | 40.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 20.0 | 20.0 | 40.0 |
| A.AID ................. | 20.0 | 20.0 | 40.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 20.0 | 20.0 | 40.0 |
| (SEC.SUPP.ASSIST.)... | 20.0 | 20.0 | 40.0 |
| B.FOOD FOR PEACE....... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.0 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 67.4 | 111.2 | 107.9 |
| LOANS.............. | 45.0 | 52.5 | 45.0 |
| GRANTS............. | 22.4 | 58.7 | 62.9 |
| A.MAP GRANTS.......... | 20.0 | 56.6 | 60.0 |
| B.CREDIT FINANCING.... | 45.0 | 52.5 | 45.0 |
| C.INTL MIL.ED.TRNG.... | 2.4 | 2.1 | 2.9 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 87.4 | 131.2 | 147.9 |
| LOANS.............. | 45.0 | 52.5 | 45.0 |
| GRANTS............. | 42.4 | 78.7 | 102.9 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 160.1 | 248.0 | 172.1 | 1590.0 |
| IBRD | 81.0 | 166.7 | 72.6 | 1015.8 |
| IFC | 0.0 | 0.3 | 14.5 | 26.0 |
| IDA | 0.0 | 0.0 | 0.0 | 0.0 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 0.1 | 1.0 | 0.0 | 3.0 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 0.2 |
| EEC | 79.0 | 80.0 | 85.0 | 545.0 |

## ROMANIA

Romania is a highly centralized Communist state in which the Romanian Communist Party, led since 1965 by the country's President, Nicolae Ceausescu, directs every significant aspect of the country's life. As a practical matter, local officials have varying degrees of latitude in the implementation of policy at the local level as well as room for abuse of power in violation of an array of Constitutional rights.

In the area of human rights, major discrepancies persist between Romania's Constitution, laws, public pronouncements, and international commitments on the one hand, and the civil liberties and human rights actually allowed by the regime on the other. Almost all aspects of life proceed within narrow bounds defined by authority without regard to constitutional and legal guarantees, although practices vary as a result of individual circumstances and attitudes of local officials. Political dissent is not tolerated; any appearance of deviation from the party's policies is actively repressed. Psychological and, to a lesser extent, physical intimidation by the ubiquitous security apparatus and other state organs is effective in securing conformity, although the costs in terms of individual liberties, creativity, and overall economic efficiency are apparent.

Although the Government officially maintains its "principled opposition" to emigration, it has allowed increasing numbers of departures, mainly under the rubric of "family reunification." Nearly 19,000 Romanians departed for the Federal Republic of Germany, the United States, and Israel in 1984. While Romania's numerical performance on emigration has greatly improved, serious problems remain in respect to procedures. Departures--whether for purposes of emigration, family reunification, or binational marriage--are strongly discouraged by complicated, slow-moving procedures and coercive tactics. Potential emigrants often wait several years after applying before receiving exit permits. During this period, dismissals from job or school, eviction from housing, denial of access to medical treatment, and other sanctions are common. Notwithstanding constitutional guarantees, the regime closely controls religious activities. Despite having subscribed to international agreements on human rights, the Romanian Government maintains the view that the country's human rights situation is a purely internal matter. With significant exceptions, however, the Government has facilitated private and semi-official factfinding visits, and has shown a willingness to discuss an increasing range of human rights issues.

Romania has made measured economic progress over the past four decades, evolving from a largely agricultural country to one with significant industrial resources. However, economic setbacks contributed to difficulties in meeting foreign debt payments in 1981-82. Drastic austerity measures have since significantly reduced the country's foreign debt, but at the cost of hardships for consumers brought about by severe cutbacks in supplies of electricity, fuel, and gasoline, reductions in imports of food supplies, drugs, and medical and other necessities. Rationing of many basic foodstuffs remains in force, although supplies appear to have stabilized somewhat in late 1984.

# ROMANIA

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

In mid-1984 there were persistent reports that an ethnic Hungarian Roman Catholic priest, Father Geza Palfi, had died as a result of injuries suffered during repeated beatings while he was in the custody of the Romanian secret police, allegedly for delivering a sermon critical of the Government. The reports were officially denied by the Romanian authorities, which maintain that Father Palfi died of cancer in April 1984 after having been hospitalized since autumn 1983. They deny that he had been incarcerated, beaten, or physically abused.

#### b. Disappearance

There have been no substantiated reports of politically motivated disappearances in 1984, although family and friends of persons arrested on political charges are frequently long left unaware of their circumstances and whereabouts.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There have been numerous reports of cruel and degrading treatment in Romanian prisons in 1984. The most common complaints concern cells which are badly ventilated and poorly heated, bad food in extremely small quantities, difficult working conditions, long periods of isolation, little or no reading materials, overcrowding, and segregation of persons deemed "dangerous to the state" because of their religious beliefs. Furthermore, persons convicted of political crimes are not allowed to work but are forced to spend their sentences within the confines of the prison, thus forgoing the possibility of reducing their sentences through work outside the prison. Acts of violence perpetrated by police authorities attempting to obtain information are commonly reported. Persons apprehended for illegally trying to cross the border often complain of cruel treatment, including beatings, inflicted during police custody. Persons detained for questioning are often kept for long periods without sleep, food, or toilet facilities.

#### d. Arbitrary Arrest, Detention, or Exile

As a result of the thousands of arbitrary searches of homes, cars, and other belongings (Section 1.f. below), numerous persons are detained every year for varying periods while investigations are carried out. There is no provision for habeas corpus, and persons have been kept for upwards of several days without being allowed to communicate with family or a lawyer. Most detainees are held for only a few hours and allowed to return to their homes before being reinterrogated on succeeding days.

Detention by the security police continues to be reported more often than arrests, particularly by political and religious dissidents. Individuals are usually summoned or taken to local local security offices where they are interrogated--often under rigorous conditions--and warned of penalties for their actions, with release after varying periods, frequently 2-4 days.

Although exile is not officially used as punishment, there have been unconfirmed reports that members of the large Gypsy minority have been escorted by police to the Romanian-Yugoslav border and told to leave the country immediately or face a prison sentence.

A form of "forced travel" has been used on occasion against Romania's religious activists to impede contacts between foreign religious rights activists and Romanian religious activists. On several occasions, the security police have moved Romanian activists from their domiciles for the duration of visits to the country by foreigners believed to be critical of the regime's record on religious rights.

### e. Denial of Fair Public Trial

There are numerous allegations that trials are fixed and decisions are reached before the evidence is heard. An indicted person is considered guilty until proven innocent.

The majority of the trials in routine civil and criminal cases are open to the public and appear to follow legally prescribed procedures. By law, trials may also be held behind closed doors. Diplomats and other foreigners have had difficulty in attending public trials with high local or international interest.

The judiciary is not independent of the Communist Party and the Government, and defense attorneys, especially in political cases, are often not permitted to provide a full and proper defense for their clients.

It is impossible accurately to estimate the number of political prisoners in Romania. Including persons arrested and convicted on charges such as "parasitism" (i.e., not having visible legal means of support), illegal economic activities, trying to cross the borders of the country illegally, and demonstrating without permission or protesting against the social order, the number is at least several thousand. According to unconfirmed reports from one prison in the border city of Timisoara, more than 1,500 people in that facility are serving sentences for trying illegally to cross the frontier.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Romanian laws and regulations governing the security apparatus sanction an extremely high degree of interference with the individual. However, the push for total control and supervision is mitigated in daily life by the uneven application of regulations, which varies considerably from one locality to another, and by extensive corruption and bribery within the system.

Deliberate and arbitrary interference with the privacy of the family, home, and correspondence is a frequent occurrence. Searches are made of automobiles, apartments, private homes, persons, and personal effects, without search warrants or justification by the authorities that a crime may have been committed. Militia checkpoints are located on most roads leading out of the cities and at all major highway intersections in the countryside. Militiamen arbitrarily stop and search vehicles. There have been many reports of persons stopped on tram cars and city buses who have been asked for identity documents and have had shopping bags and personal belongings checked by the authorities.

The authorities often enter homes on the pretext of looking for building code violations, excessive consumption of electricity (60 watt bulbs maximum), illegal use of electrical appliances, etc. These searches also allow the authorities to look for other items such as forbidden books and publications, religious materials, or any evidence of "wrongdoing."

Rent codes in the cities tend to encourage another form of invasion of privacy: if an apartment tenant cannot afford to pay the exorbitant premium rental rate for any space in excess of the official 18-square meter maximum per person, the city housing authority may lease part of the dwelling to someone else without consulting the tenant.

Invasion of family privacy frequently takes place in the schools, where the children are asked about their parents' ideas, topics of evening discussions, visitors, etc. This information has reportedly been used against the parents when it has served the interest of the authorities. In addition, there are reports that the Communist Party has applied pressure on parents at their workplaces in order to influence the activities of their children.

Violation of privacy of the person has also become common as a result of the current anti-abortion campaign. Reports have been received of female workers forced to undergo monthly or bimonthly pregnancy tests and physical examinations to insure that an abortion has not taken place.

Complaints about interference with both domestic and international correspondence are common. Letters to or from persons considered "of interest" often simply never arrive at their destination. People have reportedly been questioned by the security police about topics discussed in letters which were delivered seemingly unopened. On other occasions, people have been questioned about statements made in letters sent abroad but never received by the addressee.

International telephone calls are monitored closely. Interruptions are common. Telephone conversations of Romanian religious and political dissidents are particularly monitored. Their calls are frequently cut off, and they are often interrogated by security police regarding telephone conversations. On occasion, the telephones of these persons are out of order while foreign visitors are in Romania and are restored to service upon the foreigner's departure.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Freedom of speech and press is severely restricted in Romania, despite a full range of constitutional guarantees. Opposition to established policies is not permitted, and perceived challenges to the system are usually dealt with harshly.

The Government and party control all information disseminated to the public. The government-owned mass media practice self-censorship. For live theater, censorship boards approve all new productions before the opening performance. All typewriters must be registered with the local police, and usage of duplicating machines is strictly regulated in an effort to prevent the establishment of an independent underground press.

Western publications are not available to the general public, and unauthorized import and distribution of such materials is forbidden. Foreign broadcasts in the Romanian language are not jammed, however, and serve as the major source of domestic and foreign news for the Romanian people.

### b. Freedom of Peaceful Assembly and Association

The Government attempts to control all group activity in the country. No organization independent of government or party influence is allowed to exist. Assembly and association without permission are usually short-lived and may have severe repercussions for those involved. Citizens are strongly discouraged from making contact with foreigners, and the law requires that all such contacts be reported to the authorities within 24 hours.

Free trade unions are not permitted. Membership in government-controlled unions is mandatory for workers in every economic sector. Union meetings deal with problems such as work safety, productivity, fulfillment of the production plan of the enterprise, vacation schedules, procurement of sports and cultural tickets, approval of loans to members (union dues are used to provide low-interest, long-term loans to members supposedly on a non-partisan basis), and other non-controversial topics. New government laws and regulations are read to the membership, generally without discussion, and highlights of recent political happenings are brought up. Topics such as wages, reduction of the workweek, and additional holidays are not discussed.

During the 1984 deliberations of the International Labor Organization's (ILO) Committee on the Application of Conventions and Recommendations, Romanian labor practices were criticized on two points: First, members of the Committee recalled that the ILO Committee of Experts, in 1981, raised the issue that Romanian trade unions are not free to determine their constitutions, activities, or programs since they had to follow the dictates of one central administration. Second, the unions were used mainly to "mobilize the masses for the accomplishment of the party program and policy." No change in either policy was perceived in the interim. The Committee recommended that the Government consider the possibility of receiving a direct contacts mission from the ILO to help resolve these issues.

### c. Freedom of Religion

The exercise of freedom of religion is greatly limited despite constitutional guarantees. The Communist Party advocates atheism, and religious activism by state officials and party members is strongly discouraged.

The Government, through the Department of Cults, recognizes and financially supports 14 officially sanctioned faiths and denominations including Romanian Orthodox (the largest), Roman Catholic, Lutheran, Calvinist, Unitarian, Baptist, Pentecostal, Seventh-Day Adventist, Jewish, and Muslim. The Department is responsible for closely monitoring all religious groups, licensing clergymen, paying their salaries, and overseeing retirement benefits, and serves as the official liaison between the Government and church groups. It must also approve all requests for new church construction, new clergymen, religious publications, and foreign travel by church representatives.

During 1984, fewer cases of harassment were reported, although the persecution of members of denominations not recognized by the State, such as Jehovah's Witnesses, Mormons, Christian Scientists, and Romanian Uniates continues. Individuals are still fined and imprisoned for religious practices. Early in 1984, a Baptist minister was arrested and fined for possession and distribution of unauthorized materials (religious publications brought into the country from abroad without the necessary official permission). In addition, Pentecostals reported that many persons were fined for worshiping in private homes and unauthorized places. The Romanian Orthodox priest, Father Gheorghe Calciu, imprisoned since 1979 for sermons critical of the Romanian Government, was released in August 1984. However, there is continuing concern that he is being confined under house arrest or may be removed from Bucharest to prevent contact with human rights activists from abroad.

In a potentially positive move, the Department of Cults has promised additional places in religious seminaries to several faiths, including the Baptists, the Calvinists, and the Unitarians, though no results are yet apparent.

The construction and remodeling of churches of certain denominations remains a problem. A Pentecostal church in the city of Cluj-Napoca was demolished early in 1984 because of the unauthorized remodeling of the interior. The country's largest Baptist church, located in the center of the city of Oradea, has been ordered demolished, ostensibly due to the redevelopment of the area where it is located. On the other hand, the Department of Cults has approved the construction of more new churches in several cities and villages around the country than in recent years.

Bibles and other religious texts are still in short supply in Romania, and their importation is strictly regulated. Promises have been received from the Department of Cults for a common edition of the Bible to be printed in the near future for the Baptists, Pentecostals, Seventh-Day Adventists, and Lutherans. The number of copies to be printed remains a point of contention.

A few Catholic clergy recently have been permitted to travel abroad for training and consultations.

Anti-Semitic literary works which appeared at the end of 1983 were removed from book shops in April 1984. One 19th century play of an anti-Semitic nature was republished late in the year, but President Ceausescu denounced anti-Semitism in his November 19 report to the Communist Party's 13th Congress.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no official restrictions placed on travel within Romania, with the exceptions of restricted military areas (access prohibited) and border areas (access is carefully limited to residents of the areas and those with economic need to travel there). For fuel conservation reasons, a national ban on driving on alternate Sundays based on license numbers reduces the amount of weekend traffic.

There have been reports of persons forbidden by the authorities from traveling to attend certain functions such as religious gatherings, funerals, and international events, because these were not perceived to be in the Government's interest.

The right of a citizen to change place of residence is extremely restricted. Admission of new residents to the larger Romanian cities is legally restricted to persons able to obtain both housing and employment: since each is contingent on assurances of the other, official sponsorship for any relocation to the larger cities is effectively required. Residence in smaller Romanian cities is easier to obtain than in Bucharest and the larger cities.

Travel outside of Romania, especially outside of the Eastern European countries, is a rare privilege. Those who are allowed to travel abroad are usually individuals who hold relatively senior positions in the party or Government, or those who have been able to convince the authorities of their intent to return, usually by leaving close family members behind. Another group to receive passports are older parents traveling to visit children resident abroad.

The Government does not accept as a right the permanent departure of citizens from Romania. In October 1984, President Ceausescu said it is the duty of all citizens to stay and build a better society for themselves and for their children. Those who do express a desire to emigrate continue to face a wide variety of punitive discouragements. Some prospective emigrants continue to wait years before they are issued emigration passports. Once a passport is issued, the intended emigrant is no longer allowed to work, own property, send children to school, receive public medical benefits, pensions, or rationed items, or benefit from any other state-subsidized service.

Many persons leaving Romania for reasons other than family reunification are forced to renounce their citizenship. This action precludes individuals from repatriation in the future.

There have been cases reported during the past year of persons who have returned to take up residence in Romania without incident. Others, who have been turned over to the Romanian authorities after leaving the country illegally, have faced immediate trials and prison sentences for the offense.

Though official policy discourages emigration, 1984 saw an upturn in the total numbers of persons allowed to leave Romania for Israel, the Federal Republic of Germany, and the United States. Nearly 19,000 left in 1984. In addition, the waiting time for passports was generally shorter than in the past.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The individual citizen has almost no voice in shaping public policy or choosing public officials, since government at all levels is dominated by the Communist Party, control of which is concentrated in the hands of the President, his wife, and key figures around them. The views of the rank-and-file party membership or the citizenry at large have little apparent impact on the autocratic, centralized decisionmaking process.

Representatives to national and local legislative bodies are selected through periodic general elections. Candidates for public office are chosen by a mass organization, the Front for Socialist Democracy and Unity, which is controlled by the Communist Party; the public has no voice in the nominating process. Voting is mandatory and enforced by fines.

The Communist Party is Eastern Europe's largest in per capita terms, comprising more than 13.5 percent of the total population. At least for much of the rank and file, there is little ideological commitment to the principles of Marxism-Leninism. Party membership is typically accepted out of fear of economic and other sanctions in case of refusal or, conversely, the conviction that joining the party will broaden professional or educational opportunities, insure tenure, or lead to salary increases and other benefits such as better housing. The comparatively small group of professional party activists undergoes an intensive, progressive indoctrination process as its members rise through the ranks. However, even in this elite group, evidence of corrupt practices suggests that many of those who direct the party are motivated less by ideology than by the desire for power, prestige, and perquisites. While women and minorities are represented proportionally in the Romanian Communist Party, their influence--especially of the minority representatives--seems to have diminished.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

Although Romania professes support for the human rights provisions of the Helsinki Accords, the United Nations Charter, and other documents dealing with human rights, it continues to insist that the lot of its own citizens is an internal matter not subject to international discussion or examination and to charge critics with seeking to tarnish Romania's image for self-serving ends.

In February 1984, however, the United States and Romania held the latest in a series of government-to-government Human Rights Roundtable discussions, a forum for exchange of views on religious freedom, civil and political rights, educational and cultural possibilities for minority groups, the role of trade unions, and economic and social rights, among other subjects. Romania has been the only Eastern European country to hold such talks with the United States.

A recent report by the Council of Europe on the situation of Romania's large ethnic Hungarian minority was highly critical. Also early in 1984, in response to criticism from the U.S. Commission on Security and Cooperation in Europe, the Romanian Government issued invitations to the Commission to visit Romania and "see for themselves." The Commission was unable to accept prior to the annual U.S. Government review of Romania's most-favored-nation trading status. Following the conclusion of this review, which resulted in renewed most-favored-nation status for Romania, the Commission has sought several times without success to take up the Romanian invitation, according to its report.

Amnesty International's 1984 report (covering 1983) expressed concern about the imprisonment of prisoners of conscience, allegations of mistreatment following arrest on political charges, and instances in which defendants on political charges were not accorded fair trials. Amnesty also noted harsh prison conditions and the increasing use of the death penalty. Freedom House rates Romania "not free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The World Bank designates Romania as a developing country. Based on a population of 22.7 million and the current official rate of exchange, per capita gross national product was $2,558 in 1982, according to the World Bank. From a largely agrarian economy--at one time a major supplier of grain to Central Europe--Romania reached its present semi-industrialized state by maintaining extremely high rates of industrial investment financed by earnings of agriculture and the petroleum industry and also by foreign borrowing and restricting consumption. In 1984, the national economy continued to confront rising costs, energy shortages, and stringent efforts by the Government to reduce the country's foreign debt as quickly as possible. Both agriculture and industry have suffered noticeably during 1984 from lack of needed imports.

According to Romanian law, all land belongs to the state. In 1980, 60.6 percent of agricultural land were used by cooperatives, 30 percent by state-owned farm enterprises, and 9.4 percent by private citizens. Other property, including personal property and housing, may be privately owned, although there are a number of restrictions on the right to property. In early 1984, the Government placed controls over production on private plots as well. Businesses are state- owned, except for small service or handicraft shops.

The Constitution guarantees employment to all citizens and equal pay for equal work. Unemployment is a crime ("social parasitism"). Official statistics show full employment, though in reality chronic underemployment exists, especially in agriculture and depressed industrial sectors, and "featherbedding" is common. A new wage scheme adopted in 1984 sets pay as a function of plan fulfillment, a practice which has led in several instances to thinner pay envelopes as factories, short of needed inputs, failed to meet their targets.

Romania provides free medical care for all its citizens. According to 1984 statistics, average Romanian life expectancy is 71.6 years. In 1984, infant mortality was 27 per 1,000 live births. Romanian statistics claimed 9.3 hospital beds per 1,000 inhabitants, and one physician per 507 inhabitants in 1984. Ten years of education is compulsory and provided without charge by the state. Beginning with the third year of secondary school, examinations are required for placement in the limited openings at both the secondary and university levels. Evening courses and work-study programs are available to students at technical institutes.

An official Romanian government estimate in July 1982 reported an average per capita intake of 3,300 calories. The

Government's report called for a reduction to 2,800-3,000 calories per day by 1985. This program has not been officially enacted, despite the adoption in summer 1984 by the national legislature of the proposed "scientific diet." Foreign sales of foodstuffs to earn hard currency and the new scientific diet have led some to predict the likelihood of dietary deficiencies for the elderly, the housebound, and workers in rural factories dependent on badly-supplied local foodstores.

Rationing of basic foodstuffs continues, varying in application from county to county, with bread rationing reportedly having been introduced in some counties earlier in 1984. As of the third quarter of 1984, the consumer's situation in Romania was relatively better than in 1983.

Over the past two decades, the Government has made a determined effort and invested large sums to provide adequate housing for its urban population. As a result, new apartment block developments abound throughout the country, and the practice of several families sharing apartments, kitchens, and toilets--common only a few years ago--is disappearing.

In Romania, women are constitutionally guaranteed the same rights and privileges as men. The Government has been seeking to upgrade the role of women in the society with specific policies in the areas of education, access to employment, and comparable wages. As a result, women are employed in virtually all sectors of the economy, and there is equal opportunity in education, but at the senior levels of responsibility and authority they appear in far smaller numbers. Many women are still found in the most menial jobs, such as agricultural stoop labor, street cleaning, and snow removal. Because of the anti-abortion campaign, many women must undergo periodic pregnancy tests to insure that an abortion has not occurred

According to official Romanian figures, the country's population includes about 2.7 million members of ethnic minorities, of whom 1.7 million are ethnic Hungarians or Magyars. Hungarian emigre sources, however, generally estimate the Magyar population at 2-2.5 million. Hungarians, Germans, Gypsies, and members of many smaller groups constitute about 12 percent of the total population. The Constitution forbids any discrimination on the basis of ethnic background. Although the Government claims it does not discriminate against the minorities, there nonetheless are limitations on minority groups' free expression of their cultural heritage. Government efforts to centralize and to economize by combining educational, social, and cultural activities frequently affect minority groups disproportionately and are often interpreted as the "Romanianization" of these groups. For example, the mergers of schools, theaters, or other such institutions often result in the loss of the minority ethnic groups' characteristics as the institutions become predominantly Romanian. This movement is viewed, particularly by ethnic Hungarians, as part of a policy of cultural extinction. Moreover, strict government control of private organizations which might be dedicated to the preservation of ethnic cultural practices, as well as government limitations on minority language newspapers and radio and television broadcasts, are also seen by members of the minorities as discriminatory.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: ROMANIA

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.AID ................. | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.0 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| OTHER US LOANS.......... | 0.0 | 28.4 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 28.4 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 322.9 | 2.0 | 0.0 | 1809.9 |
| IBRD | 321.5 | 0.0 | 0.0 | 1788.0 |
| IFC | 0.0 | 0.0 | 0.0 | 0.0 |
| IDA | 0.0 | 0.0 | 0.0 | 0.0 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 1.4 | 2.0 | 0.0 | 21.9 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 0.0 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## SPAIN

Since the death of General Franco in 1975, parliamentary democracy has become rooted in Spain within the frame of a constitutional monarchy. Under the Constitution, King Juan Carlos has very limited powers but he plays an important unifying role. The King and all major political parties are strongly committed to democracy, and Spanish society enjoys freedom of speech, press, religion, assembly, movement, and participation in the political process.

The current status of human rights in Spain is good. Spain is a free society, and its citizens and media can and do bring injustices, real or imagined, to public and government attention. Spanish governments have also taken an active interest in promoting human rights elsewhere, as evidenced by Spain's current membership on the U.N. Human Rights Commission.

Terrorism--separatist and ideological--has been a threat to Spanish democracy since its inception, though this threat currently appears to be diminishing. Human rights concerns tend to focus on the Government's efforts to prevent terrorist actions and disrupt terrorist support networks. Some human rights advocates oppose the antiterrorist law and amendments now pending which, among other things, permit detention of suspected terrorists for up to 10 days before arraignment. There are also occasional allegations of police brutality, including torture. Victims have recourse to an independent judiciary or the Government's public defender (ombudsman).

In addition, laws providing for habeas corpus and legal assistance, passed in 1984, ensure that a person arrested under the antiterrorist law will have a government-appointed attorney during the time he or she is held prior to arraignment. Before passage of this law, terrorist detainees had no legal representation during the period (up to 10 days) of incommunicado detention. In addition, the Government in 1984 awarded a grant to the Spanish Human Rights Association to help develop a video program on human rights for secondary schools.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

There is no evidence of political killing performed or instigated by government security forces. As a result of gunfights in 1984 between government security forces and the political terrorist group, the Basque Fatherland and Freedom Movement (ETA), individuals on both sides were killed. Human rights advocates allege that security forces sometimes use excessive force resulting in unnecessary deaths. Terrorists killed eight members of Spain's security forces in January-October 1984.

There has been some speculation that the Spanish security services may provide assistance to the activities of a new political terrorist group, Grupo Anti-terrorista de Liberacion (GAL), which has pledged to avenge ETA assassinations and has claimed responsibility for the killing of several known ETA terrorists living in the Basque area of southern France.

Those GAL members who have been arrested have been French citizens.

Killings by the ETA totaled 27 in January-October 1984, compared with 32 during the same period of 1983. The decrease is widely attributed to the improved capabilities of Spanish security forces and to increased French cooperation in reducing ETA's ability to use France as a safe haven. During 1984 the French Government expelled some 20 ETA activists to Latin American and African countries and extradited 3 terrorists to Spain for trial.

### b. Disappearance

There is no evidence that government security forces have engaged in secret arrests or kidnappings.

### c. Torture and Cruel, Inhuman or Degrading Treatment or Punishment

Government security forces have been accused of mistreating some arrestees, primarily in terrorism-related cases. According to one Spanish human rights activist, 137 complaints alleging police mistreatment were filed directly with the courts as of October 1984. The public defender's office, an ombudsman-type position, received 11 complaints of police mistreatment through October 1984. All of these complaints were investigated. In two cases it was determined the facts warranted disciplinary action.

Available information suggests that police mistreatment or torture is carried out by individuals without the knowledge or concurrence of higher authorities. Human rights critics in Spain generally acknowledge that torture is neither "systematic" nor "institutionalized".

There are indications that the Government is not always exercising sufficient oversight of its security forces. At ceremonies honoring the Civil Guard on October 12, 1984, Minister of Interior Jose Barrionuevo was reported as saying that in the 22 months of the current Socialist administration, the Government had not received a single complaint of mistreatment or torture by the Civil Guard. In the same ceremony, however, the Director General of the Civil Guard decorated four of its members against whom complaints had been lodged with the courts for mistreatment or torture. Minister Barrionuevo subsequently requested additional information on these charges, and two of the four Civil Guards were suspended.

According to the Director General of Penitentiaries, there were "practically no" complaints in 1984 of mistreatment by prison authorities. In the past, there have been many complaints of overcrowding and inadequate medical attention. The Government has dealt with overcrowding through a construction and renovation program. One-third of the existing prisons have been built in the last 5 years, while many others have been modernized. Medical care has been improved by a policy of restricting the hours a doctor may work to 3-hour shifts. Human rights activists, who state they are given complete freedom and cooperation in their investigations of prisons, cite the continued and marked improvement of prison conditions as one of the most positive human rights accomplishments in 1984.

## SPAIN

### d. Arbitrary Arrest, Detention or Exile

Arbitrary arrest and detention are prohibited by the Constitution and respected in practice. Civil libertarians, however, find fault with the special antiterrorist legislation which permits a person to be detained incommunicado for up to 10 days. The detainee has to be brought before the court during the first 72 hours of detention, but the court has discretion to extend the period prior to arraignment for another 7 days. In accordance with the laws of legal assistance approved in 1984, the Government must provide an attorney to an arrested person, including those arrested under the antiterrorist law, prior to arraignment.

### e. Denial of Fair Public Trial

The Constitution guarantees the right to a fair public trial, and this right is observed in practice. The law provides for an expeditious judicial hearing following arrest. Defendants may always appeal to the next highest court and up to the Council of Europe in cases concerning human rights. Three Spanish defendants who were convicted for the assassination of a Catalan industrialist in 1977 have in fact carried an appeal to the Council of Europe for alleged irregularities in the Spanish judicial process. The case is pending.

### f. Arbitrary Interference with Privacy, Family, Home or Correspondence

Privacy of home and correspondence is protected by the Constitution. Under the criminal code, government authorities must obtain court approval before making searches of private property, wiretapping, or interfering with private correspondence. The current antiterrorist law, however, permits the Minister of the Interior or the Director of Security to initiate postal, telephonic, or telegraphic observation "in cases of emergency," and to inform the court of relevant jurisdiction immediately afterwards of the action taken.

## Section 2 Respect for Civil Rights Including:

### a. Freedom of Speech and Press

The Government scrupulously observes the guarantee of free speech and press provided in the Constitution. Opposition viewpoints are freely expressed in speech and through the media. Although television is state-owned and managed by politically appointed officials, it operates with a measure of autonomy under the supervision of a parliamentary oversight committee. There is also a state-owned radio network, but most stations are privately owned. Although most privately owned newspapers receive a newspaper subsidy, they enjoy full freedom of expression. The courts, however, may prevent publication of articles if an individual can demonstrate that such publication would harm his reputation. In addition, the courts, acting on a petition by the prosecutor, may order the closure of any medium of communication which publicly provokes or conspires to commit crimes constituting treason. Individuals may also be prosecuted for insulting the King in his capacity as Chief of State.

### b. Freedom of Peaceful Assembly of Association

As provided in the Constitution, all groups have the right of assembly and association for political or other purposes.

Trade unions are free to organize, bargain collectively, and strike, as stipulated in the Constitution. About 20 percent of the Spanish work force is unionized. Trade unions are not subjected to official harassment. They freely maintain ties with recognized international organizations.

### c. Freedom of Religion

There is no state religion in Spain. Catholicism is the predominant religion, but other religions are represented and function with full freedom. Adherence to a particular faith does not by itself confer either advantage or disadvantage on one's secular status.

A law giving legal standing for the first time to conscientious objectors and providing for alternative social service has passed the lower chamber of Parliament (the Congress of Deputies) and is pending in the upper chamber (the Senate). The law constitutes an advance in human rights. However, one human rights activist criticized the law as inequitable because it would require a longer period for social service than for military service.

### d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

Spanish citizens have the freedom to travel in and outside the country. The Government restricts neither emigration nor repatriation. Spain has approximately 80,000 foreigners claiming political refugee status. In March 1984 a law providing for political asylum was approved. Because of the time required to implement this law, it is too soon to judge its effect.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Spain is a multiparty democracy with open elections in which all citizens over the age of 18 have the right to participate. The King continues to play an important unifying role in giving legitimacy and support to the process of democratic government. Opposition groups exist openly and actively participate in the political process. The Spanish Socialist Workers' Party won an absolute majority of parliamentary seats in the 1982 national elections which attracted a high voter turnout of nearly 80 percent. Of more than 50 national and regional political organizations which took part, 7 obtained seats in the Parliament. In addition, there are now 17 elected regional governments, and leaders at the municipal level are also elected.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Government has allowed investigative groups to enter its borders, openly tour the country, and report on the status of human rights in Spain. The Spanish Human Rights Association and Amnesty International note that the Government is both accessible and generally responsive to inquiries and requests from them.

The Government demonstrated its interest in and commitment to human rights by establishing an Office of Human Rights in the Ministry of Foreign Affairs in late 1983. It now has three full-time officers. Among other functions, it maintains relations with international human rights organizations.

In its 1984 report (covering the year 1983), Amnesty International's main concern was the torture and mistreatment of detainees, principally those detained under antiterrorist laws. Amnesty believed that available safeguards were insufficient to protect the well-being of detainees, although it noted that police officers had been brought to trial and convicted in one instance. Amnesty was also concerned about the prosecution of persons for insulting the King as Chief of State, a nonviolent exercise of the right to freedom of speech. Freedom House rated Spain "free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

According to World Bank data, Spain's population in 1984 was 38,435,000. 1982 per capita gross national product was $5,433. Current life expectancy at birth is 74.5 years, and the infant mortality rate is 9.1 per 1,000 live births. The 1975 adult literacy rate was 92.4 percent, and the 1981 total primary school enrollment ratio was 91.9 percent.

The economy of Spain is a mixed market economy with government intervention. Spain's economy has been affected in the last few years by the general slump in the world economy but is now slowly beginning to recover. Under the present Socialist leadership, inflation has considerably decreased, exports have surged, and a painful but necessary program of industrial restructuring and modernization has moved forward. A low rate of domestic investment and high unemployment (officially set at 20 percent) are major problem areas in the economy, although these are mitigated somewhat by the existence of a substantial "underground" economy.

Women's equality in the workplace is guaranteed by law. The only exceptions are the armed services and mining. The Constitution confirmed the equality of the sexes. Nonetheless, women face practical hindrances to the achievement of equal opportunity because employers are under no legal obligation to announce jobs for open competition. In many labor areas, however, women are making great strides. In a recent civil service examination for judges and prosecutors, women outnumbered men.

Although no woman holds a ministerial position in the present Government, the number of women holding high and medium-level government positions appears to be increasing. In Parliament, there are 19 women deputies out of 348 and 10 female senators out of 248.

The Government has recognized the need to continue improving the situation of women in society by creating the Women's Institute and, in January 1984, ratifying the Convention of Non-Discrimination Against Women. One of the current activities of the Women's Institute is to obtain and publicize information concerning violence against women. The Women's Institute has received 18,000 complaints of spousal battery, which it estimates are only 15 percent of the actual cases. The Institute has opened a refuge for battered women in Madrid. An additional project of the Women's Institute is to press the Government to expand the number of family planning centers.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: SPAIN

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 22.0 | 12.0 | 12.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 22.0 | 12.0 | 12.0 |
| A.AID ................. | 22.0 | 12.0 | 12.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 22.0 | 12.0 | 12.0 |
| (SEC.SUPP.ASSIST.)... | 22.0 | 12.0 | 12.0 |
| B.FOOD FOR PEACE....... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.0 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| | | | |
| II.MIL. ASSIST.-TOTAL... | 127.0 | 402.5 | 403.0 |
| LOANS.............. | 125.0 | 400.0 | 400.0 |
| GRANTS............. | 2.0 | 2.5 | 3.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 125.0 | 400.0 | 400.0 |
| C.INTL MIL.ED.TRNG.... | 2.0 | 2.5 | 3.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| | | | |
| III.TOTAL ECON. & MIL... | 149.0 | 414.5 | 415.0 |
| LOANS.............. | 125.0 | 400.0 | 400.0 |
| GRANTS............. | 24.0 | 14.5 | 15.0 |
| | | | |
| OTHER US LOANS.......... | 38.8 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 37.8 | 0.0 | 0.0 |
| ALL OTHER............. | 1.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 40.0 | 105.4 | 105.0 | 688.1 |
| IBRD | 0.0 | 0.0 | 0.0 | 416.3 |
| IFC | 0.0 | 0.4 | 0.0 | 11.6 |
| IDA | 0.0 | 0.0 | 0.0 | 0.0 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 0.0 | 0.0 | 0.0 | 8.6 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 1.6 |
| EEC | 40.0 | 105.0 | 105.0 | 250.0 |

## SWEDEN

Sweden is a constitutional monarchy, whose King is Chief of State. All executive authority is vested in the Cabinet, which is formed through direct parliamentary elections every 3 years and consists of a Prime Minister (head of government) and some 20 Ministers. The 349 seats in the unicameral Parliament are divided proportionally among the 5 political parties currently represented. The Social Democratic Party, Sweden's largest, returned to power in the September 1982 elections after 6 years in opposition.

Sweden is an advanced, industrial democracy with a high standard of living, extensive social services, and a mixed economy. Over 90 percent of business is privately owned. Fundamental political freedoms and human rights are guaranteed by the Constitution and protected by the Government. Respect for human rights, at home and abroad, is a basic social value that underlies Sweden's active support of international efforts to enhance human rights observance.

Private persons are entirely free to express their political preferences, pursue individual interests, and seek legal resolution of disputes. Ombudsmen, appointed by the Parliament with full autonomy, investigate private complaints of alleged abuse of authority by officials and stipulate corrective action, if required.

The human rights situation remained commendably stable in 1984. Active efforts to counter any manifestation of anti-immigrant sentiment continue. There have been occasional accusations of police brutality. Complaints by individuals against Sweden to the European Commission on Human Rights have increased, perhaps encouraged by the European Court's first conviction of Sweden in 1982 on a property case.

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

Killing for political motives by government or domestic opposition groups does not occur. During 1984, a Kurdish immigrant in Sweden was killed by a Kurdish assassin believed sent to Sweden for that purpose. Swedish authorities regard this as a serious development and have arrested and sought to arrest those connected with the alleged terrorist organization. The Government minimizes the potential for terrorism through (A) cooperation with Interpol, (B) refusal of visas to known terrorists or persons with terrorist connections, (C) border control by immigration and customs authorities, and (D) surveillance of foreign persons who appear to be spying on refugee groups in the country.

#### b. Disappearance

There have been no reports of abduction, secret arrests, or clandestine detention by Swedish authorities.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment.

Legal prohibition of these abuses is respected by Swedish authorities. Occasional accusations against individual policemen of excessive use of force in connection with arrests are carefully investigated and have not produced evidence of a systematic problem.

### d. Arbitrary Arrest, Detention, or Exile

Statutory guarantees of individual liberty are rigorously observed. Persons disturbing the public order or considered dangerous may be held for 6 hours without charge. Criminal suspects may be held no longer than 12 hours without formal charges. If a person files for bankruptcy and refuses to cooperate with the official investigation, a court can order detention for up to 3 months (with judicial review every 2 weeks). Arrest is open and by warrant. Bail does not exist, but suspects not considered dangerous or likely to destroy evidence are released to await trial. By law, Swedish citizens cannot be expelled from the country. Convicted foreign criminals are often expelled at the conclusion of their prison terms, unless they risk execution or other severe punishment at home.

In October 1984, the European Court judged that the length of time which can elapse between arrest and initial court appearance violated the European Convention on Human Rights. The case in question concerned an individual held 15 days before receiving a court hearing. The Swedish Government, expecting the decision, has directed the government commission appointed to study this issue to develop a model law which will reflect the European Convention's demand that a maximum of 5 days elapse from time of arrest to initial court hearing. The commission's recommendation is expected in 1985.

### e. Denial of Fair Public Trial

The Constitution forbids deprivation of liberty without public trial by a court of law. The judiciary functions freely and independently, and every citizen has the right to effective counsel. There are no military courts in peacetime.

### f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

Freedom from these offenses is guaranteed by law. During 1984, citizen complaints prompted a government ombudsman to put a stop to aerial photography and surveillance by tax authorities trying to detect undeclared assets. Home searches are limited to investigations of crimes punishable by at least 2 years' imprisonment, such as murder, robbery, rape, arson, sabotage, counterfeiting, and treason. Wiretapping is permitted only in cases involving narcotics or military security. Searches and wiretaps normally require court approval. When the time factor is critical, or when life is believed to be in immediate danger, the ranking police officer can approve these measures. Warrants are granted only after deliberation and only on the basis of well-founded suspicion.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Swedes enjoy these freedoms fully. Government subsidies to daily newspapers, regardless of political affiliation, assure the airing of differing opinions. Publication of national security information and excessive violence in films and television are subject to censorship. Radio and television broadcasting are a government monopoly, while newspapers and periodicals are for the most part privately owned and published.

b. Freedom of Peaceful Assembly and Association

Swedes exercise these freedoms without undue restraint. Public demonstrations require a police permit, for which applications are routinely approved. Practical concerns occasionally require restrictions on time and place of such gatherings. Workers are free to organize and have the right to strike. A large majority of the working population belongs to trade unions, including career military personnel and civilian government officials. Unions and trade associations conduct their activities with complete independence from the Government and pursue intensive international contacts.

c. Freedom of Religion

Swedes have unimpaired religious freedom. There is a state Lutheran Church, supported by public funds, but all faiths are freely observed.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement within and from the country and voluntary repatriation are guaranteed by law and respected in practice. Marginal net immigration continues. Sweden maintains a quota for admission of refugees; displaced persons and others seeking political asylum are generously treated irrespective of quotas. Immigration to Sweden consists of roughly equal numbers of Nordics and non-Nordics. There is free immigration for the former. Family reunification accounts for the majority of non-Nordic arrivals.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Sweden has a long history of vigorous democratic political life within a representative, multiparty parliamentary system. To enter Parliament, a party must win a minimum of 4 percent of the votes cast. The Social Democratic Party governed Sweden alone or in coalition from 1932 to 1976. Four non-Socialist governments held power from 1976 until the Social Democrats' electoral win in 1982. There is universal suffrage over age 18. Although voting is not compulsory, over 90 percent of eligible voters usually participate in national elections. Aliens who have been legal residents for at least 3 years have the right to vote and run for office in municipal elections. There has been periodic public discussion about extending this right to national elections.

## Section 4 Government Attitude Regarding International and Non-government investigation of Alleged violations of Human Rights

Ombudsmen serve as official governmental monitors of individual rights in Sweden, effective both in making citizens aware of their rights and publicizing and correcting abuse of state authority. Active private organizations monitor issues such as the impact on individuals of comprehensive social legislation and the condition of the native Lapp population. Sweden works energetically within the United Nations and other international organizations to promote observance of human rights. Government agencies are in close contact with Amnesty International, the Red Cross, church organizations, and a variety of other private groups working in Sweden and abroad for the same purposes. State-supported Stockholm University offers instruction in making human rights complaints to bodies such as the European Commission on Human Rights.

Amnesty International in 1984 did not report on Sweden; Freedom House called Sweden "free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Sweden's per capital gross national product was $14,039 in 1983. Life expectancy at birth is 76.9 years, and the infant mortality rate is 6.94 per 1,000 live births. Virtually the entire population is schooled and literate, with no discrepancy between males and females. Basic human needs for the entire population are thoroughly met without discrimination. The state provides social welfare and medical services, benefits to families, pensions, and disability and unemployment insurance. The taxation system is designed to even the distribution of wealth among all segments of the population. Unemployment (over 3 percent of the work force) is at a record high and constitutes a key governmental concern.

Institutionalized efforts continue to extend equality between the sexes through equal employment opportunity, legal protection of the right to equal pay for equal work, and public education to break down sexual stereotypes. A public ombudsman, called the Equality Ombudsman, investigates complaints of sex discrimination in the labor market, because employers are required to base hiring decisions on merit and to pursue actively the goal of equality.

Government practice and popular attitudes encourage a wide variety of cultural expression, both from native Swedes and immigrants. The latter enjoy the same welfare benefits and egal protection as citizens. The Swedish Government runs special programs to help immigrants adjust to Swedish life and culture (including 240 hours of paid language instruction) and encourages the press to promote acceptance of immigrants by the Swedish public at large.

## SWITZERLAND

Switzerland, a country with long and respected democratic traditions and institutions, has over the years built an admirable record with regard to human rights.

The Swiss Constitution fully guarantees all basic freedoms and provides for a federal structure of government which gives individual cantons a considerable degree of autonomy. Popular initiatives and referendums afford an effective instrument to the citizen, as well as the group, to pursue significant changes in policies through direct action. In spite of linguistic and religious diversity, Switzerland has built up a political system based on consensus in which all citizens have the right and the opportunity to express their opinions and yet work together toward common objectives.

Although under the Swiss federal system cantons are directly involved in many human rights matters, this involvement is controlled and limited by federal legislative and constitutional guarantees. All those who feel that their rights have been violated at the cantonal level can appeal for redress to the federal courts.

Women are still subject to some legal disabilities, reflecting their traditionally subordinate role in Swiss society; however, recent years have seen steady progress toward political equality.

Switzerland has traditionally provided facilities to many international organizations concerned with humanitarian affairs as well as extended support to refugees from around the world. Nine International Trade Secretariats are headquartered in Switzerland, as is the International Labor Organization.

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

No such occurrences have taken place in Switzerland.

#### b. Disappearance.

There have been no reports of abduction, secret arrests, or clandestine detention.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment.

The Constitution provides freedom from all of the above, and there have been no allegations of any violations.

#### d. Arbitrary Arrest, Detention or Exile.

Swiss criminal law does not provide for habeas corpus. However, freedom from arbitrary arrest, detention, or exile is guaranteed by law. A detained person may not be held longer than 24 hours without a warrant of arrest issued by the judge conducting the preliminary investigation. Once the warrant is issued, the individual may be detained as long as necessary until the investigation is completed. However, the length of investigative detention is always reviewed by higher judicial authority and, traditionally, investigations are completed within a very brief period. A suspect must immediately be shown the warrant under which he or she is being held, and he or she has a right to contact legal counsel as soon as an arrest warrant is issued. Bail, or release on personal recognizance, is traditionally granted, unless the examining magistrate believes the individual is a danger to society or will not appear for trial.

### e. Denial of Fair Public Trial

The Swiss Constitution guarantees public trials. Minor cases are tried by a single judge; difficult cases by a panel of judges; and murder or other serious crimes by a public jury. According to longstanding tradition, even the most serious cases are usually brought to trial within several weeks or, at the most, a few months.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.

There have been no allegations of violations in this area by Swiss authorities.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

There are no restrictions on freedom of speech and press in Switzerland except in cases involving groups or associations considered a potential threat to the state. However, no groups or associations are so designated at the present time.

A peripheral issue involves the linguistic minorities, specifically the Italian and Romansch linguistic groups. Occasionally, these groups have expressed fear that the limited resources made available to them by the Government endanger the continued intellectual vitality of these languages and amount to a deprivation of freedom of speech. The Government is fully aware of these concerns and has taken steps to meet them.

### b. Freedom of Peaceful Assembly and Association.

The only restriction Switzerland places on peaceful assembly and association is the requirement to obtain permits from police authorities before holding public meetings. These permits are rarely refused except in cases where the authorities have reason to believe that the meeting will lead to violence. Occasionally, demonstrations, mostly involving youth, have become violent, and there have been complaints of police overreaction. In the rare instances when this has happened, public opinion and the media have strongly reacted to abuses of authority and asked that steps be taken to avoid repetition of similar incidents.

Labor unions enjoy full freedom to organize, strike, and influence political decisions. Swiss labor relations have been characterized by industrial peace, and strikes and other labor unrest are practically unknown.

## SWITZERLAND

### c. Freedom of Religion

Switzerland enjoys religious freedom. One area which over the years has caused difficulties, however, is the issue of universal military service by Swiss men. Swiss law provides no exemption for conscientious objectors, who are nearly always convicted for their refusal to serve. Efforts have been made to modify the Swiss Constitution in order to provide alternative service for those who wish to claim exemption for reasons of conscience. These efforts, so far unsuccessful, continue.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Swiss citizens have freedom to travel in or outside the country and can emigrate without difficulty. Switzerland has traditionally been a haven for refugees from many countries. Currently there are about 32,000 refugees in Switzerland, the vast majority from Eastern Europe, Africa, and Asia. In recent years the traditional welcome to refugees has been somewhat tempered by concern over growing unemployment, which in some circles was blamed on the influx of these refugees. In 1984 the swelling numbers of Tamil refugees from Sri Lanka led the Government to reiterate that applicants failing to meet the criteria for political asylum must subsequently depart Switzerland. Overall, however, the Swiss people remain prepared to provide shelter and assistance to refugees as reflected in federal and cantonal governments' actions.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Switzerland is a highly developed, constitutional democracy. Federal legislative power is vested in a bicameral legislature elected by universal suffrage every 4 years. Since 1971 Swiss women have been enfranchised in all federal elections and have held seats in the Federal Parliament. One of the 26 Swiss cantons still excludes female suffrage at the cantonal and local levels.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

There have been no requests during 1984 for outside investigations of the human rights situation. Switzerland cooperates with international and non-governmental groups in all areas of human rights, and Swiss nationals play a prominent role in the International Committee of the Red Cross and other humanitarian non-governmental organizations. In its 1984 report, Amnesty International continued to express concern over the imprisonment of conscientious objectors. Freedom House rates Switzerland "free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The Swiss per capita gross national product of $17,000 (1982) is the highest in the industrialized world. Unemployment, which until 1982 was practically non-existent, hovers around 1 percent and remains a cause of concern. Health services are available and good. The infant mortality rate stands at 7.2 per 1,000 live births, and life expectancy at birth is 77.8 years (1984). Education is of high quality and free through university level. Access to universities, however, is closely controlled through tough entrance examinations. A recurrent complaint of the Italian-speaking minority is the lack of an Italian-language university in Switzerland. The adult literacy rate is 99 percent.

Within a total population of nearly 6.5 million, about 18 percent is made up of foreign workers and their families. The Government has taken steps in recent years to limit the number of foreign workers coming into Switzerland or obtaining residence permits. Real estate acquisition by foreigners is strictly controlled, and its expansion has at times been the object of concern. The Swiss Government and cantonal authorities have also started to look into the need to integrate foreign workers and their families into Swiss social services programs. In times of economic difficulties and unemployment, Swiss nationals in some areas of the country resent any additional facilities provided to foreign workers.

Women's limited involvement in the Swiss political and business worlds is expanding slowly. The 25 women elected to the Federal Parliament in 1983 represent 10 percent of that body, while women constitute 51 percent of the population. On October 2, 1984, a woman was for the first time elected to the 7-member Federal Council, the nation's governing executive body. The vast majority of Swiss of both sexes welcomed this "breakthrough." On the other hand, Swiss women are still paid less than men for equal work and remain underrepresented in senior positions in industry, banking, and government.

The Federal Government has been careful in the apportionment of funds in order to ensure that all linguistic groups have commensurate facilities and means to carry out cultural activities in their own language.

## TURKEY

1984 marked the return to parliamentary rule in Turkey. The present Government, led by Prime Minister Turgut Ozal, derives its authority from the November 1983 parliamentary elections, the first such elections since the 1982 Constitution was ratified in a nationwide referendum. Turkey's President, Kenan Evren, derives his authority from the same 1982 constitutional referendum, which also installed him as President. In addition, as leader of the September 12, 1980 military takeover and as the former Chief of the Turkish General Staff, President Evren has continuing close ties to the Turkish armed forces which have responsibility for administering martial law.

Turkey had an uneven, although significantly improved, human rights record in 1984. On the positive side, the most important development was the restoration of elected parliamentary government. Authority to lift martial law was transferred to the Parliament, which did so in 33 provinces. Also, free and representative municipal elections were held; two government commissions were created to investigate and improve prison conditions; all defendants in the Revolutionary Trade Unions Confederation (DISK) trial were released; collective bargaining and the right to strike were resumed with certain restrictions; and an effort by the Chief Prosecutor of the Republic to shut down a political party was rejected by the Constitutional Court. The free and lively partisan spirit within Parliament, coupled with an elected government's normal concern about being held accountable for failures or misdeeds, have made the Government willing openly to confront and seek solutions for human rights problems. As a result, human rights problems and their eradication were the focus of considerable public and political interest in Turkey during 1984.

Developments in 1984 which caused concern about human rights included: the trial of 56 signatories of a petition on human rights and democracy in Turkey; the opening of a second Peace Association trial, as well as the denial of bail to many of the defendants of the original Peace Association trial; slow progress in overcoming poor prison conditions and dealing with continued reports of torture; a series of large-scale hunger strikes by inmates; and the continuation of martial law in 34 provinces, including the most populous.

Turkey's economic system combines capitalism and etatism. The current Prime Minister is a strong advocate of free market policies. With the resumption of collective bargaining, the legalization of strikes, and the release of all the DISK defendants on bail, the labor situation improved in 1984. However, both the International Labor Organization (ILO) and the International Confederation of Free Trade Unions (ICFTU) have noted in 1984 that some restrictions on labor activities remain in effect.

# TURKEY

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

### a. Political Killing

There were no accusations of government-instigated political killings in Turkey in 1984. The only reports of killings by the Government in 1984 concerned armed confrontations between security forces and terrorists.

Beginning in August and continuing through October, a number of Turkish soldiers were ambushed and killed while on duty in primarily Kurdish areas of the southeast. Turkish Government officials, speaking publicly, have attributed these attacks to "separatist terrorists" and allege that they are supported by others living across the border in Iran, Iraq, and Syria. In addition, there have been scattered reports of street demonstrations in areas where Kurds predominate, supporting Kurdish organizations. As a result, the Turkish Government has announced publicly a special military operation aimed at apprehending the attackers and preventing any further incidents.

Through November 1, 1984, according to government officials, 102 people have been killed in Turkey by terrorists, and 26 terrorists have been killed by government security forces. In addition, press reports indicate that hundreds of suspects have been detained in connection with the problem in the southeast.

### b. Disappearance

There were no known disappearances caused by either the Government or opposition forces in Turkey in 1984.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Turkish Constitution prescribes that "no one shall be subjected to torture or ill treatment incompatible with human dignity." Despite this, torture remained an important human rights problem for Turkey in 1984, continuing to occur in circumstances of both civilian and military detention. Complaints of torture or ill-treatment, involving even high government officials within the Ministry of Customs and Finance as victims, continued to be made. Contributing factors to this situation are the serious overcrowding of Turkish prisons; the severe shortage of trained prison personnel; the radical ideological beliefs of some prisoners; and an apparent assumption on the part of many individual interrogators that physical abuse and/or outright torture, as an ultimate means to make uncooperative suspects talk, is a valid interrogation tactic. While it is difficult to estimate how many people may have been tortured, claims of torture were in the hundreds during the year.

In protest against alleged torture and poor prison conditions, prisoners in several Turkish jails engaged in hunger strikes in 1984. Prison authorities hospitalized and intravenously force-fed the most seriously ill strikers, but despite this a number died. The authorities have argued that these strikes were politically motivated attempts to embarrass the

Government rather than genuine reflections of chronic abuses in the prisons.

Numerous high-ranking government officials, including the President and the Prime Minister, spoke out strongly against torture in 1984, as did parliamentarians and other political party members. The Turkish General Staff (TGS) and the Ministers of Justice and the Interior condemned torture and publicly warned their subordinates that torturers will be severely punished. As the Turkish press gave increased coverage to those condemnations, the subjects of torture and its eradication were important topics of public discussion in 1984.

In response to protests in several military prisons alleging poor prison conditions and torture, the TGS formed a committee of inquiry in March 1984 to investigate prison conditions and to recommend improvements. This committee, which concerned itself with military prisons and detention centers only, made public its findings on April 2, 1984. While admitting that security personnel "might sometimes, as is the case all over the world, individually act in a manner which is contrary to law and regulations," the committee concluded that torture on a widespread or systematic scale does not exist in Turkey's military prisons. The committee added that individual security officers who torture or mistreat prisoners "have always been prosecuted and those found guilty have been punished."

A special parliamentary committee has been charged by the Speaker of the Turkish Parliament with the task of inspecting both civilian and military prisons to follow up and broaden the work of the TGS Committee of Inquiry. The parliamentary committee has not yet filed its report.

According to official figures, as of July 24, 1984, the Government had investigated a total of 897 complaints of torture since September 12, 1980. With 153 cases still under investigation, the Government said that 584 cases were groundless. Of the remaining 160 cases, 114 have been completed, while 46 have been referred to competent courts. Government statistics also show that 110 security officials have been sentenced to various terms of imprisonment for torture or ill treatment of detainees.

On June 29, 1984, the former Warden of Izmit Prison, Saim Servo, received a life sentence, the harshest ever, in connection with the 1980 death of an inmate because of torture. In addition to that conviction, 5 prison guards also received prison sentences ranging from 20 months to 17 years for their participation in the death of the inmate. In the most recent case, eight military policemen, including one officer, were convicted in November 1984 of a torture killing of a suspect in their custody and sentenced to 5 years 4 months in prison.

### d. Arbitrary Arrest, Detention, or Exile.

The Constitution requires that a person taken into custody must be charged within 48 hours and that family and "interested parties" be notified in the case of an arrest. During a "state of emergency" or martial law a person may be detained without charge for 45 days and may also be held incommunicado during this period.

Martial law authorities need no warrant to conduct searches or to arrest persons. Preventive or investigatory detention is permitted in cases where the authorities decide that there is a risk that a suspect will flee or destroy evidence, if left at large. In June 1984, there were 333 people under investigative detention in connection with martial law charges. In areas not under martial law, the Turkish Criminal Code provides that police wishing to enter a private dwelling must have a warrant signed by the public prosecutor.

Turkish judicial authorities, including martial law authorities, can impose sentences of internal exile. In 1984, internal exile sentences were imposed by Turkish courts at prominent trials, including the National Salvation Party trial and the Peace Association trial. However, these cases are currently being retried or appealed.

While Turkish law has no specific provision for habeas corpus, the Constitution includes the right to be arraigned, tried, or released within a reasonable time, and provides for the notification of the next of kin. Under martial law, periods of detention, after being charged and pending trial, are largely at the discretion of local martial law commanders. Some defendants are released on bail pending the conclusion of their trials. In 1984, bail was extended to all the DISK trial defendants, with the exception of several facing trial or convicted in other unrelated cases. In November, six of those convicted in the first Peace Association trial were released on their own recognizance pending the outcome of their appeal. Other defendants in that trial, however, remain incarcerated.

On May 7, 1984, the Turkish Parliament promulgated a law providing for the compensation of individuals who have been arrested or detained unlawfully.

### e. Denial of Fair Public Trial

The Constitution provides a number of basic protections for the individual during the judicial process. Among these are the right of a defendant to choose his own lawyer and the right, in most cases, to an open trial. Family members and lawyers of defendants may attend trials, and usually members of the public and press are also free to attend. In the case of some trials, particularly those held in military prisons or on military compounds, prior notification is required and permission is usually given. In 1984, U.S. diplomats were given permission to attend all trials for which they had applied.

In 1984, new legislation was adopted governing the Turkish legal profession, including a provision which provides for temporary disbarment by bar associations of attorneys charged with infractions against the state. Since passage of the legislation, bar associations have not, in fact, disbarred anyone.

Under the Constitution, the civilian judiciary is independent. The High Board of Judges and Public Prosecutors, appointed by the President, selects judges and prosecutors for the higher courts and oversees those of the lower courts.

Under martial law, all persons accused of terrorism or other security offenses are tried in military courts. Martial Law

Court judges normally have law degrees and observe the same professional standards as civilian judges. They may not be transferred at the discretion of military commanders.

Trials themselves are usually conducted under rules of procedure based on the Constitution and the Martial Law Regulations. Civilian and military courts generally conduct trials under the same rules of procedure. Convictions in either system may be appealed to civilian and military appeals courts, respectively. In some types of cases, particularly capital cases, appeals are automatic to the Supreme Court or to the High Court of Military Appeals, after which they must be approved by the Parliament and, finally, the President.

Certain trials, like the trial of leaders of the leftist Confederation of Revolutionary Trade Unions (DISK) have continued for years with no end in sight, even though the defendants are now free on bail. It is not unusual for mass trials to last 2 or 3 years, often with many defendants in custody for part or all of the duration of the trial.

Estimates of the number of political prisoners held in Turkey's jails during 1984 vary greatly with the source and the source's definition of "a political prisoner." The Prime Minister claimed in May and October 1984 that there were no political prisoners in Turkey--only terrorists and common criminals. Non-governmental estimates, however, range as high as 12,600 and even higher (Helsinki Watch Report).

Although Turkey is overwhelmingly Muslim, its court system is modeled on Western European (mainly Swiss and Italian) judicial systems. Thus, there are no Islamic or Shari'a courts.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution guarantees the inviolability of a person's domicile and the privacy of correspondence and communication. Entry by government officials into a private residence or other private property, and interception or monitoring of private correspondence or other forms of communication such as telephone calls or telegrams, are permitted only upon issuance of a judicial warrant. Under the Constitution, however, the Government has the authority during a "crisis" (natural disaster, dangerous epidemic disease, a serious economic crisis, or a serious threat to internal security) to declare a state of emergency. In such circumstances, it has the power to suspend those basic rights which it deems to be impediments to the resolution of the crisis.

Martial law, which was declared in some areas of Turkey in December 1978 and which was extended to the country as a whole on September 12, 1980, suspended citizens' protection from arbitrary invasion of their homes and communications. Parliament in 1984 lifted martial law in 33 provinces. In the 34 provinces remaining under martial law, the authorities, under the terms of the Martial Law Act, have the power "without need for a warrant, application, or request...to search residences, or buildings of all societies, associations, political parties, unions, clubs, business locations or offices belonging to or occupied by judicial as well as private bodies." They also have the right to search, hold, or seize without warrant persons, letters, telegrams, and documents. While this authority is used, there is no evidence that its use is widespread or abused, nor are there allegations of widespread use of electronic surveillance.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Although the Constitution guarantees the right to express and disseminate thought in any medium, martial law continued to limit the exercise of free speech and freedom of the press in 1984.

In 1984, 56 of some 1,300 prominent individuals who signed a petition on democracy and human rights were put on trial, ostensibly for violating a martial law ban on political proclamations. Many observers believe, however, that these individuals are being tried for expressing views critical of the military and the present political system. The trial is open to outside observers, including foreigners, and the defendants have not been incarcerated.

In another case relating to exercise of free speech, the Istanbul Martial Law Court acquitted all 19 defendants in the Turkish Writers Union trial. They had been charged with violating laws which forbid advocacy of a Communist system of government.

The former National Security Council promulgated a law in December 1983 banning all criticism of the decrees, communiques, and actions of that body and its members, including the President of Turkey. The same law also proscribes all statements praising or condemning central committee leaders of banned political parties.

The press in Turkey is privately owned and reflects a variety of political positions. Turkish radio and television, however, are government monopolies, the programming of which has occasioned criticism by opposition political parties.

Censorship of the press has been conducted by martial law authorities. As of November 1, 1984, only one newspaper, the conservative daily Tercuman, had been closed during 1984 (it was closed for 10 days). However, in late November, the Istanbul martial law authorities initiated an investigation of the paper's editor in chief, Nazli Ilicak, on the basis of an article by Ilicak criticizing certain National Security Council actions taken in 1983. In addition, the press exercises a considerable degree of self-censorship due to the powers of the martial law authorities to close down any newspaper at any time without stating the reason. Given the precarious financial status of most newspapers, few can afford frequent or lengthy shutdowns. Also during 1984, several specific stories were banned from publication by martial law authorities.

On March 23, several journalists were arrested and detained briefly in Ankara as they attempted to cover a silent sidewalk demonstration against alleged human rights abuses in Turkey, staged by seven West German citizens, including three parliamentarians from the Green party. A visiting Spanish journalist at the scene was quickly expelled from the country when he failed to produce a valid press card.

## TURKEY

In 1984, the press has had considerable freedom to discuss current political and economic issues, including the right extensively to criticize the new Government and the existing political parties. The Ozal Administration has attempted to expand the area of discussion free from censorship. In his press conferences, Prime Minister Ozal has responded openly to questions concerning prisons and alleged human rights abuses. On occasion, he also publicly discussed matters which had been censored by martial law authorities.

Another power allowed the authorities under the Martial Law Act which has, from time to time, been used, is the right to prevent entry into Turkey or sale in Turkey of any publications or films, which the authorities deem harmful. Martial law authorities have, on a number of occasions banned the distribution, sale, or showing in the country of foreign magazines, newspapers, or films containing material which they have deemed to be hostile or harmful to Turkey. During 1984, this has included a number of Islamic fundamentalist religious publications, generally Shiite in character, and books about Kurds.

Another issue is the right of indigenous minority groups in the country to use their own languages. The Constitution states that the official language of the country is Turkish. Although one article bans discrimination on the basis of language, others prohibit the public use of "languages prohibited by law." However, which languages are prohibited has never been legislated. There are four main groups in Turkey whose native language and/or culture is not Turkish: Kurds, Arabs, Armenians, and Greeks. The Government has stated that the intent of these articles is to foster Turkish as the language of all citizens for all uses, as part of its effort to inculcate in all Turkish citizens a sense of identity with the Turkish state and nation as opposed to identification with any particular group within the nation. One exception is that the use of Greek and Armenian in schools and religious education was guaranteed by the Treaty of Lausanne, and the Turkish Government honors that guarantee. Severe restrictions on the use of Kurdish, a language not protected by any treaty, have continued in 1984 to cause disaffection in predominantly Kurdish areas of the country. Language in relation to religion is discussed in Section 2.c.

Turkish institutions of higher education are all operated by the state. Partly as a result of political violence emanating from campuses in the late 1970's, the Government has moved since 1980 to bring the universities under tight, centralized control through a Higher Education Council and to eliminate the politicization of the universities. The Constitution and the Political Parties Law ban faculty members and students from becoming members of political parties or from involvement in political activities. Parties are also forbidden to form youth branches, and student or faculty political associations of any type are banned.

Critics charge, however, that the new system is itself averse to academic freedom. The martial law authorities and the Higher Education Council have taken a number of highly controversial steps. At least 192 university faculty members have been dismissed from their positions since November 1982. Although no dismissals occurred in 1984, disgruntlement concerning the earlier dismissals remains high in academic circles. Dismissals effectively bar faculty members from university jobs within Turkey, from other government employment, and from research funds. The Council has claimed that the dismissed faculty members were not sufficiently qualified for their positions. It is charged however, that these dismissals had less to do with teaching qualifications than with political beliefs or political activism.

In addition to continuing discontent over these dismissals, many faculty members from the universities in Istanbul, Ankara, and Izmir have objected to the Council's policy of staffing new universities in remote areas by virtually mandatory transfers. Some have expressed concern that transfers are in many cases politically motivated.

### b. Freedom of Peaceful Assembly and Association

In areas still under martial law, prior permission must be obtained from martial law commanders for all marches and rallies. In addition to political party rallies during the March 1984 election campaign, there were a few rallies permitted by martial law authorities. There were also a few unsanctioned anti-regime demonstrations.

The law on associations bans all associations from having any ties to political parties and from any type of political activity themselves, including endorsing parties or candidates or making political contributions.

During the latter half of 1983, the Turkish Trade Union Confederation (TURK-IS), Turkey's major labor confederation, and its affiliated unions, the Islamic-oriented Confederation of Just Workers Unions (HAK-IS) and its affiliates, and a number of independent unions completed modification of their bylaws and election of officers in accordance with the provisions of the Trade Union Act of May 1983. Unions whose activities were under suspension at that time--the leftist Revolutionary Trade Unions Confederation (DISK) and the rightist Confederation of Nationalist Workers Unions (MISK)--were not permitted to complete reorganization pending the outcome of legal action against them. However, in May 1984, martial law authorities ruled that MISK and its affiliated unions could resume union activities. In addition, for the first time since the military takeover, TURK-IS conducted "open air rallies" in Izmir and Istanbul to protest the restrictive provisions of the new labor laws.

In accordance with the temporary provisions of the 1983 trade union and collective bargaining laws, the rights to bargain collectively and to strike were formally reinstituted when the new Parliament convened in December 1983. By November 1984, numerous collective agreements covering an estimated 250,000 workers had been concluded in direct negotiations between employers and unions. Moreover, the first strikes since the resumption of collective bargaining began on October 2, 1984, when the shipbuilding workers union struck two small shipyards in Istanbul. These were followed by a strike against a government-owned company, the electronics firm TESTAS, on November 23, 1984.

The trial of DISK leaders, which began on December 24, 1981, is still continuing. In 1984 the DISK trial was combined with those of DISK-affiliated unions and related organizations, increasing the number of defendants from the original 52 to over 1,500. The defendants are charged with "trying to change the form of the government" and with "interfering with the work of the Parliament." By late September 1984, all of the defendants had been released on bail. The activities of DISK and its affiliates are suspended pending the outcome of the trial. Meanwhile, the affairs of the organizations are administered by court-appointed trustees.

Both the International Labor Organization (ILO) and the International Confederation of Free Trade Unions (ICFTU) have shown keen interest in trade union developments in Turkey since the 1980 military takeover. The third ILO direct contacts mission to visit Turkey in 3 years arrived in September 1984 and met with high-level government and military officials, top officials of TURK-IS, members of the DISK executive board, and a variety of other Turkish Government, labor and management officials. Although noting the release of the DISK defendants and the return to collective bargaining, the ILO reiterated its criticism of the DISK trial, the continued suspension of DISK's activities, the fact that five of the defendants released in the DISK trial are still being held on other charges, and the restrictive provisions of the trade union and collective bargaining laws. The ILO also recommended lifting of martial law in those provinces where it is still in force. (Since issuance of the ILO report, martial law authorities have lifted the requirement that permission be obtained before engaging in a strike or lockout or laying off workers.)

The ICFTU has also followed trade union developments in Turkey closely since the military takeover in 1980. Several ICFTU missions visited Turkey over the last 4 years, the most recent in October 1984. Although DISK is not a member of the ICFTU, the ICFTU has been critical of the DISK trial and has provided financial support to the DISK defendants and their families. The ICFTU has also been critical of the restrictive provisions of the new trade union and collective bargaining laws, and has called on the Government to revise the laws along the lines proposed by the ICFTU's affiliate in Turkey, TURK-IS.

### c. Freedom of Religion

The majority of Turks are Sunni Muslim (largely of the Hanafi school among ethnic Turks, and of the Shafii school among ethnic Kurds). There is also an eclectic minority "Alevi" group, made up of adherents to orthodox and heterodox variants of Shi'ism.

All Turkish constitutions since 1937, including the 1982 Constitution now in effect, have proclaimed secularism to be one of the basic characteristics of the state. Within the political and, in particular, the military elite, the principle of secular government is seen as an essential attribute of a modern democratic system. Stringent constitutional and legal restrictions on religious activism in politics hinder the efforts of a small minority of Islamic fundamentalists who quietly advocate a greater role for Islam in Turkish political life, if not the establishment of a state based on the Shari'a.

The Constitution stipulates that "everyone has the right to freedom of conscience, religious belief, and conviction." This right is circumscribed to a certain extent by the above cited constitutional and legal restrictions which are intended to protect the principle of secularism. For example, during the early years of the republic, certain Sufi brotherhoods were suppressed, including the Dervish orders. These restrictions have been loosened since that time to the degree that the Dervishes are permitted to perform their religious ceremonies publicly on special occasions.

The Turkish Criminal Code proscribes the advocacy of a theocratic state or proselytizing by any person or group. In 1983 and 1984, groups of Turkish Jehovah's Witnesses were prosecuted for proselytizing. Twenty-three were convicted on December 12, 1984 and received sentences up to 6 years 8 months.

The present Political Parties Law prohibits, as did its predecessor, establishment of any political party that advocates theocracy or the foundation of law and government, even partially, on religious principles. Several former administrators of the now-dissolved National Salvation Party, convicted in 1983 of "turning a legally established party into a front working for the establishment of a regime based on theocratic principles," are at present free on bail pending a retrial ordered by the Military Court of Appeals.

Islamic religious instruction, following a state-prepared curriculum, is compulsory for all students except those who declare themselves non-Muslim. The courses of about 2 hours per week are taught by lay teachers. Extracurricular Koran courses using government-approved texts are permitted. The Government regulates the participation of Turkish Muslims in the annual pilgrimage to Mecca (the hajj).

Turkey has Armenian Gregorian, Greek Orthodox, Greek Catholic, Jewish, Syrian Christian, Roman Catholic, and Protestant religious minorities, most of which are primarily concentrated in Istanbul. These groups operate churches, synagogues, monasteries, and charitable religious foundations, such as hospitals and orphanages. Guarantees of minority rights, beyond those contained in the Turkish Constitution, are included in the Treaty of Lausanne (1923), which, among other provisions, provides that Greek, Armenian, and Jewish communities may maintain separate schools for their children.

Non-Muslim minority groups sometimes report cases of bureaucratic harassment by low-level officials. Religious community leaders and higher state authorities generally attempt to resolve any minority concerns through dialogue, a process repeatedly endorsed by the present Government.

Nevertheless, there have been recurrent complaints from non-Muslim minority groups regarding governmental procedures and legal decisions affecting community schools, the formation of parish councils, and the registration and repair of church property. Legal disputes over ownership of property endowed to religious charitable organizations is also frequently cited as a major concern. In 1984 some non-Muslim minority groups also complained that a new law enacted that year which allowed Muslim religious foundations to increase property rents significantly has so far been interpreted not to apply to properties held by non-Muslim groups. While some church authorities have indicated that the present Government is more flexible on some of these issues than past governments, others complain that the Government is not sufficiently responsive. Of continuing concern to the Greek community is the longstanding problem of obtaining permission to reopen its theological seminary, closed by Turkish authorities in 1971.

The daily use of languages other than Turkish by the non-Muslim religious minorities is declining. The use of non-Turkish languages such as Greek, Armenian, Hebrew, Syriac, and Arabic in religious services is allowed. The use of Syriac, however, is not protected by the Treaty of Lausanne, and in 1984 five court cases were brought against a Syrian Christian publisher of religious materials. One case was dismissed in martial law court based on the testimony of an outside expert called in by the court, who determined that the publication (a calendar with biblical quotes) did not violate Turkish law. Four cases in civil court are still outstanding.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Although there is, in general, freedom of movement within Turkey, martial law authorities in the 34 provinces still under martial law have the power to restrict movement. Some border areas of the country are off limits to foreigners unless they have been given specific permission to visit them.

Under existing regulations, martial law authorities may "expel persons whose presence in the martial law area is determined as prejudicial," or restrict and prohibit their residence in or entry into certain areas under martial law. Martial law commanders have the power, subject to prescribed judicial procedures, to impose "internal exile" for up to 5 years on individuals whom they believe to be taking actions harmful to the "general security and public order."

Turks are free to travel abroad. Under the Constitution, freedom of travel and residence abroad can be restricted because of criminal investigation or prosecution, to insure compliance with civic obligations, such as military service, and if required by the national economic situation (a reference to foreign exchange controls). The national economic situation having improved, the Government revoked in 1984 the ban on tourist travel abroad more than once every 2 years.

Turkish law guarantees citizens protection against deportation, extradition, or denial of reentry. The Constitution guarantees the rights of Turks and their families living abroad to return home. However, under the provisions of Turkish citizenship law, the Government has the power under certain circumstances to deprive Turks of their citizenship, including those who have acted against the political or economic interests of the state. Approximately 400 persons were thus deprived of their citizenship in 1984.

The Turkish authorities maintain a refugee resettlement center outside Istanbul. They have resettled about 4,500 Afghan refugees in recent years and have provided a temporary haven for Eastern European refugees. Many Iranians fleeing Iran have entered Turkey and remained there until they were able to arrange entry into other countries. According to Amnesty International's 1984 report and other sources, however, Turkish authorities in 1983 and 1984 apparently turned back or forcibly repatriated small numbers of Iranians who wished to take refuge in Turkey. The precise reasons why some Iranians were returned to Iran while most of them were allowed to enter and transit Turkey are not clear.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Government permitted those parties which were banned from the November 1983 parliamentary elections to participate in the March 1984 local races, thus doubling the number of competing parties to six. Prime Minister Ozal's Motherland Party, which describes itself as an independent, non-ideological party, repeated its parliamentary election victory by taking 54 of 67 mayorships of provincial capitals and winning over 300 of 564 district capital mayoral races, thereby reaffirming its position as the dominant force in the multiparty system. Its absolute majority in the Parliament and strong nationwide local organization gave it considerable power.

Despite the continuing ban on the pre-takeover political parties and on many former politicians, the decision to allow three additional parties of the left and right to run candidates in March 1984 is a positive development in Turkey's transition to full democratic government.

Martial law authorities brought several law suits against the conservative Correct Way Party and its leader, Yildirim Avci, in 1984. In all of these cases, the party and Avci were found innocent, and the party continued to function throughout 1984.

Permanent restrictions on political activity include barring of certain political and social groups from operating independently in political arenas and the banning of leading figures of the old political system from political activities. In the first category, no political party may be formed which advocates, or is organized according to principles which would result in, a theocratic basis for the state and the law; no party may advocate the superiority or dictatorship of a particular social class or group, or "exclusivist" or "elitist" political philosophies; and no party may be formed around a particular ethnic or cultural group. Prohibited political groupings would include a Communist or other Marxist party based on class, a Fascist "elitist" party, a party based on an ethnic or minority group such as the Kurds, or an Islamic fundamentalist party. There is no prohibition on the participation of members of ethnic or religious minorities in political parties so long as the parties do not adopt prohibited principles. Persons regarded as Communists and Fascists are banned from party membership. Other groups permanently banned from joining, or actively participating in, political parties include members of the armed forces and certain categories of civil servants.

The second category of "permanent" restrictions bans leaders of the pre-September 1980 political parties from participating in politics or in organization and control of political parties for up to 10 years. These restrictions range from 5-year bans on some former politicians from holding leadership positions in the new political parties (but without restrictions on the right to join a party and to run for office), up to complete bans on all political activities for 10 years for former party leaders, including ex-Prime Ministers Ecevit and Demirel. These restrictions represent an attempt by the military to remove from the political process for a time those elements which it blames for the anarchy and political stalemate that existed before the 1980 military takeover. Finally, the new elections law establishes a minimum percentage requirement for a party to win seats in Parliament, setting the threshold at 10 percent. The intent of this provision is to prevent recurrence of the situation that existed in the late 1970's when several small parties, notably extremist parties of the right, held the balance of power in Parliament and extracted concessions from the major parties as their price for support in coalition governments.

Equal political rights for men and women are guaranteed by the Constitution. A dozen women hold leadership roles in two opposition parties, though the 22-member Cabinet is all male. Women are strongly encouraged to exercise their franchise; the fine imposed upon adults who do not vote applies equally to men and women. In December 1984, female educators and parliamentarians joined forces to conduct a government-approved conference on the role of women in Turkish society, in commemoration of the 50th anniversary of passage of women's rights legislation.

Members of non-Muslim minorities face no legal limitations on political participation so long as they accept a Turkish national identity. These groups' small numbers, however, limit their ability to play a large formal role in politics. Kurds play a large role in Turkish political life, again on the condition of acceptance of Turkish nationality. Dozens of members of the Turkish Parliament are of Kurdish ethnic background.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Government permitted visits by foreigners to discuss human rights in Turkey during 1984 and cooperated with those who had official status. However, when visitors had no governmental status or were from organizations that the Government deemed unfriendly, the Government was uncooperative and officials declined to meet with them. Nevertheless, these groups were free to meet with private organizations and individuals. A Council of Europe delegation which went to Turkey in April 1984 was permitted to visit military prisons in Ankara and Diyarbakir, where they met with those prisoners they wished to see. Other groups which visited Turkey in 1984 included the ILO and the ICFTU. In July 1984 U.S. Assistant Secretary of State for Human Rights and Humanitarian Affairs Elliott Abrams visited Turkey.

There is no Amnesty International branch in Turkey, nor were any known domestic human rights organizations operating in Turkey during 1984. Some members of the elected Parliament, representing several parties, expressed serious concern with human rights subjects in 1984. Questions regarding human rights in general, and prison conditions and torture in particular, were raised in Parliament. Those discussions received wide press coverage and helped to focus public attention on human rights.

The subject of human rights in Turkey was of central concern to the Council of Europe in 1984. Pursuant to its consideration of whether to accept the credentials of Turkish parliamentarians for the May Parliamentary Assembly--1984 was the first year since 1980 that Turkey had elected parliamentarians who could go to the Council--the Council sent a delegation consisting of members of its legal and political subcommittees to Turkey in April to review the human rights situation. Based on the delegation's favorable findings, Turkish parliamentarians were allowed to take their seats on the grounds that considerable progress had been made toward the restoration of democracy, the improvement of prison conditions, and the eradication of torture. The resolution also included a provision for a review of the situation in 1985.

In 1983, five nations, including France, The Netherlands, Denmark, Sweden and Norway, brought a formal complaint against Turkey for breaches of the European Convention on Human Rights. The complaint cited violations of articles concerning treatment of prisoners and civil rights for the period through July 1982. The complaint has not yet been resolved.

In October, the European Parliament also debated Turkish human rights issues in deciding whether to reestablish its exchange delegation with Turkey. It decided that it would reestablish the delegation but passed two critical resolutions. The first condemned Turkey's use of the death penalty. The second called for the release of Mahmut Dikerdem, a defendant in the Peace Association trial, who is thought to be seriously ill. (In November 1984, Dikerdem was released on his own recognizance pending the outcome of his appeal.)

Amnesty International's 1984 report (covering 1983) expressed continuing concern about imprisonment of prisoners of conscience, widespread and systematic use of torture and mistreatment of political prisoners, and the use of the death penalty. Amnesty was also concerned about the trials of Kurds for separatist activities in 1983 and the forcible return to Iran of Iranian political refugees. Freedom House rates Turkey "partly free."

## ECONOMIC, SOCIAL AND CULTURAL SITUATION

The Turkish economy has made substantial advances under the economic stabilization program begun in January 1980 in conjunction with the International Monetary Fund, the World Bank, and the Organization of Economic Cooperation and Development. Through a combination of tight monetary and fiscal policies, export incentives, and a realistic exchange rate, the stabilization program has promoted a more efficient, export-oriented economy, less dependent on a highly restricted local market. The Ozal Government elected in November 1983 has continued the basic policies of the stabilization program and has introduced new measures, such as import liberalization, which will tend to make the Turkish economy even more responsive to market forces. Unemployment and inflation remain serious problems, however. In 1984, according to government sources, unemployment was about 16.5 percent, while inflation rose to over 50 percent. Per capita gross national product in 1982 was estimated to be about $1,368. Turkey has substantial agricultural resources which fulfill most of its food requirements and continued to export some agricultural products. In 1977, caloric supply as a percentage of the total minimum requirement was 115.6. Under normal conditions, clean water is available to most of the population. Basic medical care is available to most of the population (with the possible exception of a few provinces in the southeast) regardless of income. Life expectancy was 63.6 years in 1984. Infant mortality was estimated to be 93.2 per 1,000 live births in 1984. Primary schooling is compulsory, although not universally available. Higher education is free but, again, is not always available. University tuition is subsidized. According to the Government, the literacy rate is 75 percent, with 66 percent of the illiterates being female.

Turkey has long been in the forefront of Muslim nations in the promotion and protection of women's rights. Although some conservative elements in Parliament and in society at large have resisted advances in women's rights, the Parliament commemorated the 50th anniversary of the inauguration of women's rights legislation. President Evren has also been a consistent champion of equality for women. Women have full suffrage, occasionally attain high public office, and are represented--albeit not always in significant numbers--in all Turkish professions and institutions. Women have served or are currently employed at the rank of university rector and dean, ambassador, political party vice president, and army colonel. Turkish businesswomen play significant roles in many industries, a few sit on the boards of some of Turkey's largest private firms. Female lawyers and even judges are no rarity, while female doctors are dominant in such fields as obstetrics and gynecology.

It is a longstanding cultural policy of the Turkish state, supported by most Turks, that all the citizens of Turkey are "Turks" and use the Turkish language. This policy derives in large part from attempts to partition Turkey after World War I with the aim of establishing independent ethnic states on the territory of what is now the Turkish Republic. The wariness of Turkish governments toward groups which emphasize ethnic identity has since been reinforced by the activities of separatist movements inspired from outside and within Turkey--movements that frequently included anarchy and terrorism as their modus operandi. As a consequence, Turkish governments have adopted a policy that individuals of non-Turkish ethnic backgrounds must assimilate with the mainstream of Turkish society and culture. In order to further this objective, the Turkish Government has forcefully discouraged manifestations of ethnic differences, in some cases by law; for example, the use of languages other than Turkish for certain purposes is prohibited.

The separatist terrorist activities in Kurdish areas, described in Section 1.a., have posed the most serious challenge to the assimilation policy of successive Turkish governments. Complicating the issue is the fact that ethnic Kurds constitute the majority population within the provinces in which they are concentrated. These provinces also include Turkey's poorest and least developed areas. Successive governments have recognized this problem and launched major programs for rural electrification, power plants, and irrigation to generate employment and income for the region.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: TURKEY

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL | 301.1 | 286.0 | 139.5 |
| LOANS | 100.0 | 85.0 | 63.5 |
| GRANTS | 201.1 | 201.0 | 76.0 |
| A.AID | 300.0 | 285.0 | 138.5 |
| LOANS | 100.0 | 85.0 | 63.5 |
| GRANTS | 200.0 | 200.0 | 75.0 |
| (SEC.SUPP.ASSIST.) | 300.0 | 285.0 | 138.5 |
| B.FOOD FOR PEACE | 0.1 | 0.0 | 0.0 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 0.1 | 0.0 | 0.0 |
| TITLE I-TOTAL | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL | 0.1 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.1 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST | 1.0 | 1.0 | 1.0 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 1.0 | 1.0 | 1.0 |
| PEACE CORPS | 0.0 | 0.0 | 0.0 |
| NARCOTICS | 1.0 | 1.0 | 1.0 |
| OTHER | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL | 403.0 | 402.8 | 718.3 |
| LOANS | 343.0 | 290.0 | 585.0 |
| GRANTS | 60.0 | 112.8 | 133.3 |
| A.MAP GRANTS | 57.0 | 110.0 | 130.0 |
| B.CREDIT FINANCING | 343.0 | 290.0 | 585.0 |
| C.INTL MIL.ED.TRNG | 3.0 | 2.8 | 3.3 |
| D.TRAN-EXCESS STOCK | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL | 704.1 | 688.8 | 857.8 |
| LOANS | 443.0 | 375.0 | 648.5 |
| GRANTS | 261.1 | 313.8 | 209.3 |
| OTHER US LOANS | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS | 0.0 | 0.0 | 0.0 |
| ALL OTHER | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL | 713.9 | 676.8 | 944.3 | 6507.6 |
| IBRD | 647.8 | 669.4 | 794.3 | 5230.1 |
| IFC | 14.8 | 5.3 | 150.0 | 395.9 |
| IDA | 0.0 | 0.0 | 0.0 | 178.1 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 1.8 | 2.1 | 0.0 | 66.8 |
| OTHER-UN | 0.5 | 0.0 | 0.0 | 11.7 |
| EEC | 49.0 | 0.0 | 0.0 | 625.0 |

## UNION OF SOVIET SOCIALIST REPUBLICS

The Soviet Union (U.S.S.R.) is a one-party centralized state in which the Communist Party attempts to direct all aspects of the nation's life, including all economic, social, and cultural development. The nomenklatura, or Soviet personnel management system, in which all senior party and government appointments are essentially decided by the Secretariat and Politburo of the Communist Party Central Committee, allows a relatively small group of the party elite to use the party as its instrument of effective rule.

The Constitution formally provides for most internationally recognized human rights and guarantees the right to education, medical care, and work. In fact, however, there is little tolerance of actions and attitudes which are not directly controlled by party or government agencies. The suppression of constitutionally guaranteed rights is justified by broadly worded constitutional provisions stating that such rights may not be exercised in a manner contrary to the interests of society as defined by the party and the Government, and limited in practice by a number of vaguely worded laws and articles of the Criminal Code.

Soviet performance in the realm of human rights fails to meet accepted international standards. The regime's common response to efforts to exercise freedom of expression is to incarcerate those concerned in prison, labor camp, or psychiatric hospital. Mistreatment of political prisoners has a long history and continued in 1984. Inadequate food, clothing, and shelter, heavy manual labor, unsatisfactory medical care, isolation, extended interrogation, and threats against prisoners' families are characteristic abuses. Many prisoners are denied the right to correspond with their families or to receive family visits. Some are confined to special psychiatric hospitals and the psychiatric wards in general hospitals where they are often subjected to cruel and degrading treatment and administered doses of powerful and painful drugs. The regime also continues to exile prisoners to remote areas of the Soviet Union or force them to emigrate.

Through censorship, radio jamming, electronic monitoring, police informers, and other devices, the party and Government control the amount of information reaching Soviet citizens and the outside world.

Public associations are subject to the control of the authorities, who suppress any which try to operate outside the confines of direct state supervision. Trade unions are strictly subordinated to the Communist Party and act as agents of the Government in implementing economic policy and ensuring labor discipline. They are not collective bargaining agents for workers. Freedom of religion is closely circumscribed, and religious believers are subject to many restrictions in the officially atheist U.S.S.R. Freedom of movement is neither guaranteed by law nor respected in practice.

Persecution of individuals who attempt to express themselves outside the framework of state-controlled organs increased during 1984. Human rights monitors, religious believers, proponents of greater cultural and political rights for ethnic minorities, and peace activists were all subject to arrest and imprisonment. Sentences to psychiatric hospitals and labor camps contributed to the deaths of several human rights activists.

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New regulations went into effect strengthening laws pertaining to state security, broadening the definition of treason, and establishing sanctions against providing unauthorized information or assistance to foreigners.

Moreover, in 1984 the authorities have further cut back Jewish emigration from the Soviet Union, which had been reduced steadily in recent years. Some officials have made blatantly false statements that all those Jews who wanted to emigrate have already left. These statements coincided with a significant increase in official expressions of anti-Semitism, led by the "Anti-Zionist Committee of the Soviet Public." This could mean there is pressure from some quarters to end Jewish emigration completely.

Abroad, the Soviet Union continues its occupation of Afghanistan and its support of the Vietnamese occupation of Cambodia. There is evidence that the Soviet Union is responsible for the use of chemical warfare in Afghanistan, Laos, and Kampuchea.

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

There are occasional reports of unusual circumstances surrounding the deaths of people engaged in religious or political dissent, or members of their families. The possibility of official involvement in such deaths, however, can neither be proved nor investigated. On the other hand, a number of political prisoners and common criminals do perish each year in prison and in forced labor camps due to the severe conditions: strenuous physical labor, a semi-starvation diet, extreme cold, and lack of medical care. It is impossible to estimate the number of such deaths.

Reports were received during 1984 of the deaths of three prominent Ukraininan human rights activists, Oleksiy Tikhy, Yuriy Litvin, and Valeriy Marchenko, who all perished while in detention. These deaths, resulting from the brutal conditions inherent in the prison camp system, must be seen as the direct outcome of government policy.

Soviet law provides for the imposition of capital punishment for a variety of offenses, including some economic crimes (e.g. fraud) which are not generally considered capital offenses outside the U.S.S.R. Statistics on capital punishment, however, as well as statistics on crime in general, are not published by the Soviet Government.

#### b. Disappearance

There are no known instances of prolonged or permanent disappearance in recent years. However, it is not unusual for people to be arrested or confined in psychiatric facilities without next of kin being notified. Concerned relatives are expected to initiate an inquiry with the authorities to find out if and when their family member was arrested, and where he or she is being held.

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### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

It is clear that mistreatment of political prisoners during incarceration and interrogation does occur. Although the criminal codes of the Russian and other Soviet Republics assert that punishment does not have the goal of causing physical suffering or the destruction of human dignity, reliable sources have described stark, often inhuman, conditions in Soviet labor camps: isolation, extreme cold, poor diet and malnutrition, compulsory hard labor in difficult conditions, inadequate medical care, and frequent, arbitrary deprivation of a prisoner's limited right to receive correspondence and visits from his family. Prisoners cannot practice their religion and may be punished for attempts to do so. They have been beaten by other camp inmates at the instigation of camp authorities. Political prisoners have then been falsely accused of having created a disturbance and, on the basis of the fabricated charges, consigned to the camp prison or solitary confinement.

Among the victims of such abuses in 1984 were Yakov Levin, an Odessa refusenik, who sustained life-threatening injuries from beatings following his October 16 arrest; Iosif Berenshtein, a Kiev Hebrew teacher, who was savagely beaten and blinded while imprisoned following his December 12 trial; Aleksandr Shatravka and Vladimir Brodskiy, both members of the unofficial "Group to Establish Trust between the U.S.S.R. and the U.S.A.," who were both badly beaten; and Anatoliy Marchenko, former member of the Helsinki Monitoring Group, who was handcuffed and clubbed by camp officials so severely in December 1983 that the bruises remained throughout much of 1984. Prisoners are more frequently subjected to psychological pressures such as isolation, extended interrogation, and threats against their families. The security organs of the Government are responsible for these abuses.

The Government continues to confine political and religious activists to psychiatric hospitals where they are often subjected to painful drugs not in standard psychiatric use. This treatment is, in reality, a form of torture. Some sources estimate that up to 1,000 people may at present be confined in psychiatric hospitals for political reasons. In 1981 the Soviet Ministry of Health's chief neuropsychiatrist publicly stated at the seventh All-Union Congress of Neuropathologists and Psychiatrists that 1.2 percent of patients in Moscow psychiatric hospitals were there "in connection with visits to state agencies to present groundless complaints and slanderous statements." The Soviet Union withdrew from the World Psychiatric Association in February 1983 rather than face probable censure from that body for its abuses of psychiatry.

Abuses continue to be numerous. On August 31 Catholic activist Aleksandr Riga was sentenced by a Moscow court to indefinite treatment in a special psychiatric hospital, allegedly for promoting religious practices among friends and disseminating religious material. Special psychiatric hospitals, as contrasted with ordinary psychiatric hospitals, are also used for the incarceration of particularly dangerous criminals, often including murderers and rapists. Valeriy Tyurichev, who wrote a manuscript on socialist economics in 1979 and, having failed to get it published, applied to emigrate in 1980, has spent 3 years in psychiatric hospitals. In mid-September he was transferred to a special psychiatric hospital in Dnepropetrovsk. Other cases of Soviet psychiatric abuse include that of Fyodor Parasenkov, who has been in Chernyakhovsk special psychiatric hospital since 1974 apparently for advocating the introduction of private enterprise; and Nikolay Baranov, who refuses to give up his demand to emigrate and was recently transferred to Leningrad's special psychiatric hospital. Nikolay and Nadezhda Pankov were incarcerated in psychiatric hospitals for several months during 1984 after appealing to party General Secretary Konstantin Chernenko for permission to emigrate. Nadezhda Fradkova, a friend and supporter of incarcerated Riga refusenik Zakhar Zunshaine, was committed to a Leningrad psychiatric hospital on July 19. Psychiatric abuse reached its zenith with the death in the spring of 1984 of Alexey Nikitin, the Donetsk mining engineer who was forcibly imprisoned in a psychiatric hospital after introducing two American correspondents to Soviet coalminers in 1980 in order to demonstrate their poor living conditions.

### d. Arbitrary Arrest, Detention, or Exile

Government spokesmen insist that prosecution occurs only in cases in which persons commit acts prohibited by law. But the provisions of laws under which prosecutions have occurred are sufficiently broad that they can be and are used to prosecute individuals for the exercise of internationally recognized human rights. Among these provisions are:

-- Article 190-1, "The dissemination of deliberately hostile fabrications slandering the Soviet state and social system." This article, introduced in 1965, carries a maximum penalty of 3 years' imprisonment;

-- Article 190-3, "The organization of, or active participation in, a group activity violating public order," which carries a maximum penalty of 3 years' imprisonment.

-- Article 70, "Anti-Soviet agitation and propaganda," which carries a maximum penalty of 7 years' imprisonment and up to an additional 5 years in internal exile.

-- Article 227, "The infringement of the person and the rights of citizens under the appearance of performing religious ceremonies," which carries a maximum penalty of 5 years' imprisonment.

In addition to these provisions, the authorities continue to use criminal code provisions against "parasitism," "hooliganism," and illegal commerce or "speculation" to harass persons for political activity. Dissidents are sometimes fired from their jobs, then arrested for parasitism because they have no jobs; or they may face fabricated charges for common crimes, such as theft of socialist property, or possession of drugs or weapons.

Habeas corpus or its equivalent does not exist. According to the code of criminal procedure, pretrial detention can last as long as 9 months, and prisoners are not entitled to consult with a lawyer until after the conclusion of the pretrial investigation. Instances of prolonged detention function, in effect, as a form of preventive detention.

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In 1984 the Soviet Government announced changes to existing legislation which carry serious negative implications for political prisoners and human rights activists. For example, in January Soviet authorities formally announced the tightening of statutes on so-called state crimes contained in the law of December 25, 1958. Specifically, the definition of treason in Soviet legislation was broadened to include acts which threaten the "state security" of the U.S.S.R. This is a concept which has never been clearly defined but which, in principle, might embrace any political offender.

Individuals also often face administrative jailing for periods of up to 15 days. In 1984 several Moscow peace activists were jailed for 15-day periods allegedly for "hooliganism" or resisting the authorities.

The practice of exiling political dissenters, often to isolated Siberian villages or other outlying areas, dates back to Tsarist times and continues under Soviet rule. Exile often follows prison and, in practice, means confinement in a remote village in conditions of extreme cold, isolation, and scarcity of fresh food. These conditions are mitigated only by the privilege of receiving food parcels from family members, moving about within a limited area, finding work (albeit frequently far below one's capacity), and arranging one's own often primitive accommodations. The families of exiles are permitted to live with them.

Andrey Sakharov's exile in the city of Gor'kiy, an area closed to foreigners, is the best-known example of this practice. During the first half of 1984 the authorities continued to deny him normal contact with scientific colleagues and to subject him to surveillance, apartment searches, and interference with his mail and telephone communications. His situation deteriorated significantly with the May 2 arrest of his wife, Yelena Bonner, arrested on trumped-up charges of conspiracy with U.S. diplomats to seek asylum in the U.S. Embassy to publicize her request for medical treatment abroad. Mrs. Bonner was formally accused of anti-Soviet slander, and confined to Gor'kiy for pretrial investigation. Andrey Sakharov immediately undertook a hunger strike in support of his wife's demand for medical treatment abroad, but after 5 days was forcibly separated from her and placed under medical care. Reports that he was being force-fed and administered "mind altering" drugs were countered by official and quasi-official assurances that he was "well," including one film clip of him eating while being handed a July edition of a Western magazine. Subsequent reports indicate that he is again living with his wife in their Gor'kiy apartment. But family and friends have been unable to establish direct contact with the pair since early May. Bonner herself was convicted on August 17 of anti-Soviet slander and sentenced to 5 years of internal exile, presumably in Gor'kiy with her husband. Despite numerous expressions of concern around the world about the plight of Sakharov and Bonner, the Soviet authorities have refused to allow independent western observers to meet with them to confirm their condition. Reports that Sakharov has been visited by Soviet scientists do not mitigate the fact that he and his wife remain effectively cut off from contact with family members and the outside world.

Persons released from exile often are not allowed to return to their former places of residence. Some are forced to live in other areas of the country, thereby insuring a de facto continuation of their exile. Others have nowhere to turn and return to their old homes without residence permits, where they run the risk of being rearrested for violating residence laws.

In addition to internal exile, exile abroad is also occasionally employed against dissidents. The authorities force the activist and, in most cases, his immediate family to emigrate, then strip them of Soviet citizenship. Peace activist Valeriy Godyak was treated in this way in 1984.

It is difficult to estimate the number of political prisoners in the U.S.S.R., although 10,000 is generally considered the minimum. Large areas of the country are closed to foreigners, and reports of trials in these and other remote regions may not become known to foreign observers. An unknown number of political prisoners have been convicted of "ordinary" crimes and therefore incarcerated in camps for common criminals rather that in special camps reserved for political prisoners.

### e. Denial of Fair Public Trial

Communist party control of society extends to the legal and judicial system and is exercised in political cases to negate constitutional guarantees of the objectivity and independence of the judicial process. Soviet authorities frequently ensure that political trials are closed to the public. They may require passes for admission to the trial, pack the courtroom with government supporters, and harass or detain observers outside the courtroom. The location and date of a trial are often announced on short notice and may be changed with little warning. Western journalists and diplomats are regularly denied access to political trials and permission to visit cities outside Moscow where trials are taking place.

Defense attorneys, like judges, are subject to extra-legal regime pressures and constraints. About 60 percent of Soviet attorneys are party members; they must, moreover, have special clearance to act as defense counsel in a political case. Attorneys who overstep their assigned role of providing a pro forma defense risk losing their clearance and can jeopardize their professional standing. In any case, even the most honest and vigorous defense is of limited utility since there is little doubt that the outcome of political trials is determined beforehand by the authorities. There has been no known instance of acquittal in a political trial since the October 1917 Revolution. The most that a conscientious and courageous defense counsel can hope to accomplish, therefore, is to provide a defendant moral support and contact with family members during pretrial detention, and then conduct the defense in such a way as to highlight irregularities in the prosecutor's case and in the judge's conduct of the trial.

No trials of civilians by military courts have been reported in recent years. There may be a special system of courts established to handle judicial matters concerning the extensive network of secret institutes in the country, but no information is available on the procedures under which these courts function.

Psychiatric commitment of dissidents, described earlier, is a process which allows the Government to circumvent many of the requirements of the legal process and to incarcerate activists at the discretion of officials and psychiatrists.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Government interference in personal life is pervasive. The authorities maintain a widespread network of informers in apartment buildings and in the workplace and regard it as a citizen's duty to inform them about unorthodox attitudes of family members and friends. They electronically monitor the residences and telephones of Soviet citizens and foreigners at will. The Constitution guarantees the inviolability of the homes of citizens of the U.S.S.R. and, in theory, no one may enter a home against the will of the resident "without legal grounds." In practice this provision has little restraining effect on investigative agencies, and well-documented cases of forced entry and illegal searches continued in 1984.

Through their control of mail and telephone circuits, the authorities selectively restrict contact between citizens and foreigners. They often intercept mail, and many citizens say that they have received less mail from abroad in 1984 than in previous years. The Soviet Freight Forwarding Company, Vneshposyltorg, decided to cease forwarding packages from abroad to Soviet recipients as of October 1, 1984. This change will make it impossible for persons sending parcels from outside the U.S.S.R. to prepay the (often sizable) custom duties. For the Soviet recipient, these can reach prohibitive levels if paid in Soviet currency. This is another step towards reducing the level of contact and material support many Soviet citizens (especially dissidents and activists) have enjoyed in the past. The Government continues to jam Western radio broadcasts, an action clearly inconsistent with the provisions of the Helsinki Final Act.

On July 1 a new decree came into effect under which Soviet citizens who render material assistance to foreigners in the form of "housing or means of transportation or...other services in violation of the established regulations" can be administratively fined up to 100 rubles. This new decree seriously circumscribes the individual Soviet citizen's right to offer hospitality to foreign friends and seems designed to put an end to unsanctioned contacts between Soviet citizens and foreigners. In conjunction with this, 1984 witnessed an unprecedented campaign of harassment, primarily on the part of Leningrad authorities, aimed at discouraging such contacts.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The Constitution provides for most internationally accepted political liberties, but requires that their exercise be in accordance with the "interests of the people and the strengthening and development of the socialist system." In practice, the Government does not tolerate dissident behavior and has not hesitated to imprison persons for exercising freedom of expression, even when their actions did not violate Soviet law. All information media are controlled by the party and the Government; almost all of them are owned or operated by the party and the Government. Publications, films, and radio and television scripts are subject to censorship by the Main Administration for Safeguarding State Secrets in the Media. Soviet journalists are subject to the discipline of the Communist Party and subordinated to the directives of their editorial superiors, themselves trusted members of the party. Therefore, journalists to a greater or lesser degree are executors of the official policies of the Government.

All universities and research institutes are operated by the state or party; teaching and research are required to conform to official expectations. In areas such as foreign policy and contemporary Soviet history, these expectations define very tightly the content of research and teaching, to the virtual exclusion of independent investigation. In areas that are less sensitive politically, independent scholarly conclusions may be published within certain broad limits. All books in the Soviet Union are published by the state or party, and are subject to prepublication censorship. Freedom of expression is substantially greater in fiction and scholarship not involving politically sensitive subjects. However, the Government's range of political sensitivities is broad, and censorship standards are often applied in an arbitrary and capricious manner.

Openly dissident views on important questions of policy do not appear in the media, and no criticism of the party, the Government, or the leadership is permitted except to correct an administrative abuse, such as inefficient lower-level domestic policy implementation, or to discredit an individual responsible for violating party norms. Within narrow limits, arguments for and against prospective policies do appear before final decisions are taken on them, but once such a decision is taken dissenting views rarely appear in public. Open criticism of officials takes place only when decided upon by higher officials. Debate within the leadership is occasionally reflected in published texts where polemics and criticism, expressed in veiled language, allow experienced readers to identify policy trends and controversial issues. Such policy debate does not call into question the existing political and social system.

The authors of literary, religious, and political samizdat (self-published) materials have been subject to a wide range of harassment, including loss of employment, warnings from the Committee for State Security (KGB), apartment searches, and ultimately, arrest and conviction, or incarceration in mental hospitals. In 1984 for example, Yuriy Shikhanovich and Yelena Sannikova were sentenced to labor camp followed by internal exile for working on samizdat material. Lina Tumanova, another human rights activist, is awaiting trial on similar charges.

The Government continues to maintain tight control over the work of foreign journalists and the circulation of foreign newspapers. Overt censorship of wire transmissions of news stories out of the country is infrequent, but the authorities harass selected foreign journalists and, in some cases, either delay or deny visas or curtail visas already issued. The Government has taken some steps to improve the working conditions of foreign journalists, such as the issuance of multiple entry-exit visas, in connection with implementation of the Helsinki Final Act.

### b. Freedom of Peaceful Assembly and Association

The Constitution grants citizens the right to associate in public organizations "in accordance with the aim of building communism." In practice, public associations are organized by the authorities or are subject to their strict control, and the Government suppresses any attempt to function independently of its supervision. As a result of a campaign during the last few years, all independent human rights or peace groups have been suppressed and have ceased functioning. These include the Helsinki Watch Groups, which attempted to monitor the Government's implementation of the Helsinki Final Act, and the Psychiatric Watch Group, which monitored Soviet abuses of psychiatry. Members of these groups have been imprisoned or exiled, and many still face persecution. In October, for example, former Ukrainian Helsinki monitors Iosif Zisels and Mykola Horbal were arrested for a second time. Zisels, who had previously served a 3-year term, was charged with anti-Soviet agitation and propaganda. Horbal was arrested for anti-Soviet slander two days before his scheduled release from labor camp after serving a 5-year sentence on a trumped-up attempted rape charge.

The authorities have even repressed independent non-political associations such as the Invalids' Group, which attempted to lobby for improved medical and social services for invalids.

Trade unions are strictly subordinated to the Communist Party and act as agents of the Government in implementing economic policy and ensuring labor discipline. They in no respect act as collective bargaining agents. The International Labor Organization's Committee of Experts recently noted that the the Soviet Union had contravened the Convention on Freedom of Association and Protection of the Right to Organize by imposing a constitutional link between the Communist Party and trade unions which restricted the right of the unions to organize their own activities and formulate their own programs. Workers do enjoy a large measure of job security, but labor turnover in some industries is high because many workers try to compensate for poor working conditions by changing jobs. The right to strike is not recognized in the Constitution, and strikes are rare.

Soviet authorities have continued to suppress all unofficial labor or political associations which they believe represent a challenge to the monopoly of the state. Vladimir Skvirskiy, a member of the "Free Interprofessional Association of Workers" (SMOT, in its Russian acronym), which aimed at organizing an independent trade union, was sentenced in September for the fourth time to labor camp, before his previous sentence had expired. Another SMOT member, Vladimir Sytinskiy, was arrested in August and is presently awaiting trial in Leningrad. The "Group to Establish Trust between the U.S.S.R. and the U.S.A.," an independent peace movement, continued to come under intense pressure in 1984 with members forced into exile (e.g. Valeriy Godyak), arrested, detained, and beaten. In March, group member Ol'ga Medvedkova was tried for allegedly disobeying the orders of a militiaman. Five months pregnant, she was given a suspended sentence of two and one-half years in a labor camp. Group members Nikolay Khramov and Aleksandr Rubchenko were each jailed 3 times for 15-day periods on charges ranging from hooliganism to disobeying Soviet authorities, and Marina Chertakova was also incarcerated for 10 days. Group members were repeatedly detained at police stations or in their homes for varying periods of time on evenings when the group was scheduled to meet. On one occasion some 50 persons were reportedly prevented by authorities from attending a meeting.

c. Freedom of Religion

The Constitution guarantees the "right to profess or not to profess any religion and to conduct religious worship or atheistic propaganda." In practice, however, religious believers are subjected to many restrictions. Participation in religious ceremonies causes exclusion from the Communist Party and, sometimes, dismissal from employment. Soviet law requires religious congregations with a minimum of 20 adults to register with the authorities. In practice, the authorities reserve the right to grant or withhold registration. Soviet refusal to grant registration can be used to limit the number of congregations, or even to deny legal status to an entire religious denomination, as has been the case, for example, with the Ukrainian Catholic (Uniate) Church. Religious believers, moreover, are prohibited from engaging in charitable activity, proselytizing, or providing religious training to their children. In some instances, the authorities have removed children from families which have permitted or have conducted such instruction. The number of functioning seminaries and other institutions of clerical education, and the numbers of students permitted to pursue a religious vocation, do not provide a sufficient body of trained clergy for even the officially registered denominations. Unregistered believers, such as some Baptists, Jehovah's Witnesses, Seventh-Day Adventists, and Pentecostals also may be subject to a wide variety of repressive measures, including harassment at school or place of employment, denial of access to housing, dismissal from work, and even imprisonment.

Examples of such repression of religious freedom were abundant in 1984. Pentecostal Bishop Stephan Kosyuk and fellow worshipper Robert Zimmermann were convicted in Moscow on criminal charges of conducting unauthorized worship services. Ivan Luchko, a Pentecostal from Rovno, was sentenced during the summer to 2 years' deprivation of freedom and 3 years' probation reportedly in connection with his religious activism. In September, 55 Pentecostal Christians in the Soviet Far East went on a month-long hunger strike to dramatize the desire of their small community to emigrate. Three leaders were subsequently arrested, and Soviet authorities moved to take custody of 78 community children after their parents had pulled them out of Soviet schools to protect them from beatings and harassment. Moscow Pentecostals Il'ya and Lydia Staskevich and family conducted a 14-day hunger strike in May protesting their inability to renounce Soviet citizenship and worship freely. A Moscow Pentecostal deacon who led a small congregation of parishioners was sentenced in September to 5 years' deprivation of freedom for leading unauthorized worship services.

Religious persecution in the U.S.S.R. is without regard for religious denomination. Russian Orthodox activist Sergey Markus was sentenced in August to 3 years in a labor camp for allegedly circulating religious materials and including too many religious references in his privately-organized lectures on Russian culture. Russian Orthodox priest Nikolay Temirbayev was sentenced in June to 2 years' deprivation of freedom on the trumped-up charge of hooliganism for allegedly beating his wife and trying to strangle one of his parishioners. Also in June, Evangelical Lutheran preacher Jakob Rein was sentenced in Kazakhstan to 5 years at hard labor for allegedly holding non-registered worship services. On June 30 police in Kazakhstan stopped the car in which Baptists Eduard Ewert, Ivan Tkachenko and Nikolay Loeven (a minister) were traveling and confiscated religious literature from them. Two weeks later all three were arrested. On May 22, youth evangelist Peter Peters was sentenced to 3 years in a strict regime labor camp for not being officially employed. Vladimir Zinchenko, a Baptist whose wife gained notoriety when she unfurled a banner (drawing attention to religious persecution) in Moscow's Baptist Church during the visit of 256 members of the U.S. National Council of Churches in June, was sentenced on May 31 to 3 years in a strict regime labor camp.

The Soviet central press announced the arrests during 1984 of at least seven unregistered Seventh-Day Adventists in Central Asia. These included Vladimir Shelkov, son of Adventist Leader Vladimir Andreyevich Shelkov, who died in labor camp in 1980. Also arrested and tried were Vladimir Vasilchenko, Gennady Bedarev, Aleksey and Mikhail Murkin, Ivan Cheremisov and R. Chernolokova. Charges were described as related to the group's underground existence, which was allegedly anti-Soviet in nature.

The second half of 1984 also witnessed the beginning of a new crackdown on the Ukrainian Catholic (Uniate) Church. Uniate priest Vasily Kobrin was arrested on charges of anti-Soviet agitation and propaganda on November 12. his colleagues, Iosif Terelya and Grigory Budzynskiy, have also been detained and threatened by Soviet authorities. Other reports indicate that Soviet authorities burned a Catholic church to the ground near Lvov in June, and have closed two Catholic monasteries. These moves followed the appearance earlier in the year of a new samizdat journal, "The Chronicle of the Catholic Church in the Ukraine," produced by Uniate activists.

The Jewish community faced an exceptionally difficult year in 1984, which saw a sharp increase in official anti-Semitic propaganda thinly veiled as anti-Zionism. The "Anti-Zionist Committee of the Soviet Public," under the chairmanship of Col. Gen. D. A. Dragunskiy, staged several press conferences, one specifically designed to link Zionists to Nazis. A television program aired in Moscow in November repeated this theme and accused Jewish leaders of conspiring with the Nazis to send Jews to the death camps. The authorities' patently false propaganda line, espoused by the Committee, continues to assert that the Jewish emigration "problem" has been solved since any Jews who wanted to leave the Soviet Union have already done so. The overall atmosphere of anti-Semitism was as bad in 1984 as it has been at any time in the past several decades.

There have been numerous reports of discrimination against Jews, such as denial of access to higher education and certain professions. Such revocation of degrees in practice means the end of one's career, and usually the loss of one's job and income. Many individual Jewish "refuseniks" (Jews who have been refused permission to emigrate) were arrested and/or put on trial in 1984.

Moshe Abramov of Samarkand was sentenced to 3 years in a labor camp for hooliganism when he reportedly refused to withdraw his emigration application. Jewish activist Zakhar Zunshaine from Riga was sentenced on June 29 to 3 years in a labor camp for doing little more than writing letters on behalf of his own family's emigration efforts. Accused of evading the draft since 1977, Moscow refusenik Aleksandr Yakir was only arrested after he had passed his 28th birthday and was no longer legally eligible for induction. He was nevertheless sentenced to 2 years in a labor camp. Iosif Begun, who was sentenced in 1983 to 7 years in a labor camp and 5 years of internal exile, was placed in special confinement for infringement of camp rules in May 1984. Scheduled to remain there for 6 months, he began a hunger strike and was hospitalized in June.

July saw the beginning of a major, sustained crackdown on Hebrew teachers and other Jewish cultural activists. By year's end, nine activists, including four Hebrew teachers, had been arrested and three sentenced to labor camp. The arrests were accompanied by a series of searches, beatings, and threats which sent shock waves through the Soviet Jewish community. Moscow Hebrew teachers Aleksandr Kholmianskiy and Yuliy Edelstein were arrested in late summer, respectively, for hooliganism and possession of drugs. Police reportedly located a pistol in Kholmianskiy's room at his parents' apartment and drugs in Edelstein's apartment. Close relatives assert that the items were in both cases planted by the police. In December, Edelstein was sentenced to 3 years in a labor camp. Yakov Levin, a Jewish activist from Odessa, was sentenced to 3 years in prison on charges of anti-Soviet slander for circulating religious materials. His prospective father-in-law, Mark Nepomnyashchiy, was also arrested. Their friend, refusenik Yakov Mesh, was arrested in October on trumped-up charges of resisting the police. The authorities released Mesh and dropped charges against him in December due to the severe injuries he sustained from a beating administered following his arrest. Iosif Berenshtein, a Kiev Hebrew teacher, was sentenced to 3 years in a labor camp in December, also for allegedly resisting the police. He too was savagely beaten while in custody.

As is the case with other religions, the Soviet authorities severely limit the practice of Islam. They restrict the opening of mosques, the number of students at religious schools, and the number of believers permitted to go on the haj to Mecca. In addition, many Muslim religious practices have been criticized in the Soviet media as "survivals of the past," although in practice Muslims are perhaps somewhat less harassed than Christians for both domestic and foreign policy reasons.

Beyond the persecution of specific classes of believers, the Government exerts wide-ranging pressure to discourage religious belief in general among its citizens. This pressure has intensified in the course of 1984. The Communist Party, defined in the Constitution as the "leading and guiding force in Soviet society," is, according to its rules, an atheistic organization. Membership in the party, considered incompatible with religious belief, is, in effect, a requirement for advancement to most positions of authority or prestige in the country. Thus the Government has structured career incentives in such a way as to virtually exclude practicing believers from educational opportunities and desirable careers.

The official media feature large amounts of anti-religious propaganda, and only a few religious publications of controlled content, such as the Vestnik of the Russian

Orthodox Patriarchate, are allowed to appear. The practice of religion is also discouraged by strictly applied limitations on the number of sacred books, such as the Bible or the Koran, which may be printed and by government prohibitions against their importation. Few works are published in Hebrew. The number of clergymen and places of worship today is only a small fraction of the number which existed before the October 1917 Revolution.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement is neither guaranteed by law nor respected in practice. Although citizens are generally free to move about within the territory of the U.S.S.R., travel in certain areas (e.g., frontier regions or areas of military significance) requires special permission. All adults are issued identity documents or internal passports which must be carried on their person during travel in the U.S.S.R. and used to register visits of more than 3 days with the local authorities. In practice, vast areas of the country remain closed to foreigners.

The right to choose one's place of residence, although formally guaranteed by law, is subject to restrictions. Everyone is required to register his place of residence. The authorities limit the number of residence permits in some large cities, such as Moscow and Leningrad, where housing is at a premium and where the Government attempts to maintain showcase conditions for foreign tourists--cities free of so-called "undesirable" elements.

Mustafa Dzhemilev, a Crimean Tatar who has spent much of his adult life in labor camps for proclaiming his people's right to return to their native homeland, was convicted of anti-Soviet agitation and propaganda in a February trial in Tashkent.

The U.S.S.R. has ratified the U.N. Charter and other international documents in which the right to leave one's country and return thereto is recognized. In reality, however, Soviet law does not recognize the right of citizens to emigrate by choice, and the only recognized motive for emigration is reunification of divided families. On this basis, emigration increased significantly during the 1970's, especially by Soviet Jews, Armenians, and ethnic Germans. However, in late 1979 overall monthly emigration levels began to drop as the authorities introduced restrictive practices, apparently as part of deliberate emigration policy.

There was a continued sharp drop in the number of Jews allowed to emigrate in 1984: 896 compared to approximately 1,300 in 1983 and over 51,000 during 1979. Many Jews have waited in vain for more than 10 years for permission to emigrate. Jewish sources estimate that there still are more than 200,000 Soviet Jews who possess the letters of invitation (vyzovs) from Israel necessary for application to emigrate. The number of ethnic Germans and Armenians emigrating from the U.S.S.R. also declined in the first 9 months of 1984. Only 655 ethnic Germans emigrated during this period, compared to 1,017 during the same period in 1983. Only 67 Armenians emigrated from the Soviet Union to the United States during the first 9 months of 1984 as compared with 171 for the same period in 1983 and

4,334 during the first 9 months of 1980, the peak year of Armenian immigration to the U.S.

Currently, 103 Soviet families, numbering some 391 individuals, are on a United States Government list of people who are actively seeking to join relatives in the United States and who have been refused exit permission at least twice by the Soviet Government.

At least 22 U.S. citizens living in the Soviet Union have been denied permission to leave by the Government, several for many decades. In addition, there are at least 20 outstanding cases in which the Government has denied the Soviet citizen spouse of an American citizen permission to emigrate.

For the very few who received exit visas in 1984, emigration procedures were cumbersome and expensive. The cost of a passport for emigration to a "capitalist" country is 200 rubles (approximately $232 at the official rate, one ruble--$1.16). The mere attempt to submit an emigration application frequently involves a variety of administrative and extra-legal sanctions, including loss of employment, harassment, social ostracism, and long delays.

While Soviet emigrants generally retain possession of their Soviet foreign travel passports when they leave the U.S.S.R., they are not always permitted to return. Some individuals are stripped of their citizenship when they are abroad, thus precluding their return. Jewish emigrants departing for Israel are required to formally renounce Soviet citizenship prior to departure, thus effectively precluding their return to the U.S.S.R. as Soviet citizens.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

In the Soviet Union, only office holders in either of the parallel state and party hierarchies can influence the composition of the Government. The Soviet Union is a one-party, centralized state in which the Communist Party attempts to direct and control all political, economic, social, cultural, and other developments. The nomenklatura (Soviet personnel system in which all senior appointments are essentially decided by the party) allows a relatively small group of the Communist Party elite to use the party as the instrument of its effective rule of the U.S.S.R. The Constitution provides that the Communist Party is the "leading and guiding force of Soviet society and the nucleus of its political system, of all state organizations and public organizations." No other organized party or political group is tolerated.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Government contends that all internationally recognized human rights are fully protected in the U.S.S.R. and asserts that only "socialism" can truly guarantee human rights. The Government rejects foreign criticism of its human rights record as interference in its internal affairs, despite the fact that it is signatory to numerous international documents recognizing that human rights are a valid subject of international concern. The Soviet Union has been a member of the United Nations Human Rights Commission since 1947.

The authorities do not permit foreigners to investigate the status of human rights in the U.S.S.R. International human rights organizations such as Amnesty International have frequently addressed communications to the Soviet Government concerning human rights, but the authorities have declined to reply in a substantive manner. The regime also has attempted to suppress the Moscow chapter of Amnesty International and has published attacks on the organization alleging that it works with Western intelligence agencies against the Soviet Government. When the United Nations Human Rights Commission considers allegations of human rights violations in the U.S.S.R., Soviet representatives generally attempt to bar discussion of the alleged violations on procedural grounds. If such discussion cannot be avoided, the representatives deny the substance of the allegations.

In its 1984 report, Amnesty International called attention to the Soviet Union for its imprisonment of political dissidents, its use of psychiatry against dissidents, the harsh conditions in Soviet penal institutions, the new law allowing authorities to extend the sentences of persons already imprisoned, attacks on religious practitioners and members of ethnic minorities, and the use of the death penalty. Freedom House rates the Soviet Union "not free."

The Soviet Government has cooperated with the United States Government in investigating alleged war crimes committed during World War II by people who are now citizens or residents of the United States. It has permitted the U.S. Government to carry out depositions of witnesses in the U.S.S.R. and has provided documentation for use in U.S. courts.

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The coercive, centrally planned Soviet economy is characterized by low productivity and widespread production and distribution bottlenecks. Chronic shortages of basic commodities and foodstuffs, particularly meat, have made long lines and a flourishing black market common features of Soviet life. What is available to the average Soviet tends to be poor in quality and lacking in variety. Although the average calorie consumption per capita exceeds minimum requirements, the average diet is poorly balanced. The 1983 gross national product per capita was $6,675.

Housing is subsidized in the U.S.S.R. but is in extremely short supply. Young married couples are often forced to live with relatives and typically have to wait decades for housing of their own. In the early 1980's there were 16 million more households than housing units, and on average, more than two persons for every room. Alcohol abuse has reached crisis proportions. Largely as a result of it, the life expectancy of Soviet males has fallen from 65.5 years in the early 1960's to 62 years in 1980, the last year for which statistics are available.

The various Soviet elites (the party, the military, the diplomatic corps, the scientific-technical intelligentsia, the cultural and sports establishments) are largely shielded from these social and economic hardships. They have access to such special benefits as foreign travel, automobiles, quality consumer goods and foodstuffs, special medical facilities, admission to the best schools, country houses and paid vacations in choice resorts, which are not available to the average citizen. This allocation of special benefits and privileges to elites in a society claiming to be egalitarian and classless is one of the Government's most effective means of social control.

Free, universal health care is guaranteed by the Constitution and generally provided for in practice. In addition, provision for the continuation of income during illness is liberal. As of 1977, there were 34.5 physicians and 120.8 hospital beds per 10,000 persons. The overall quality of medical care, however, is low by comparison with Western Europe and the United States. There are chronic shortages of essential medicines and vaccines, doctors are relatively poorly trained, medical equipment generally is below international standards, and poor sanitary conditions often breed infection and disease. These problems are contributory factors to an increased and high infant mortality rate, estimated to be 29 per 1,000 live births in 1984.

Education in the U.S.S.R. is free at all levels and is compulsory through the 11th year. Basic literacy among citizens under 50 is practically universal; only in certain areas of central Asia and the Caucasus were some children unable to attend school. Competition for entry into universities and the better institutes is intense.

Discrimination on the basis of race, sex, or other grounds is nominally prohibited by the Constitution. However, regime attempts to impose the Russian language on minorities have led to demonstrations in Georgia and widespread resistance by Ukrainians and other minority groups. In recent years, numerous reports and investigations by activists have noted restrictions on the presence of Jews and members of other ethnic groups in universities, research institutes, and other organizations.

Women in the U.S.S.R. enjoy the same legal status as men, and are nominally accorded the right to participate in all areas of the country's social, political, and economic life. An extensive system of day-care service and maternity leave benefits, including in some cases up to 1 year's leave from work, significantly enhances the ability of women to secure and retain employment.

Traditionally, men occupy the great majority of the leading positions in most professions and politically sensitive occupations, especially politics. At present, 9 of the 309 full members of the Central Committee of the Soviet Communist Party are women. In employment, more women than men hold the less remunerative positions. In the non-European areas of the U.S.S.R., cultural, social, and religious traditions restricting women to more "traditional" roles are gradually losing their strength as more women, especially in urban areas, receive an education.

## UNITED KINGDOM

The United Kingdom (U.K.) is a constitutional monarchy, whose government takes the form of a multiparty, parliamentary democracy. Human rights are traditionally respected and zealously guarded, both by the British people and their elected governments. As there is no written constitution, human rights are "residual"; that is, rights are assumed unless limited by statute.

In Great Britain, human rights practices are exemplary, with few, if any, demonstrated or alleged abuses by the Government or opposition. In Northern Ireland, however, human rights traditions have been put to the test as the British Government combats terrorism and violence against British officials and Protestant loyalists by militant organizations demanding the forcible unification of Ireland, as well as reciprocal violence by both militant nationalists and loyalist groups against Catholics.

Public safety is maintained by a civilian police force except in Northern Ireland, where army units support the police in an effort to provide security to a sharply divided society beset by terrorist violence.

The United Kingdom has a highly developed industrialized economy with a mix of private and state-owned industries. Individuals may freely own property and pursue private economic interests under the law. The population benefits from a comprehensive social welfare program. Public policy, supported by legislation and or tradition, opposes discrimination on the basis of race, religion, sex, or political opinion.

During 1984 new laws were passed affecting human rights, including the Prevention of Terrorism Act of 1984, a new Police and Criminal Evidence Act, and the Data Protection Act (designed to protect individuals against misuse of personal data stored in computers). In August 1984, the Government was able to lift notices of derogation it had earlier filed with the European Convention for the Protection of Human Rights and Fundamental Freedoms regarding its practices in Northern Ireland.

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

British Government sources report that during 1984, 49 persons were killed by terrorists in incidents related to Northern Ireland; nearly half of those killed belonged to the security forces. During the same period, security forces killed 11 persons.

In October terrorists planted a bomb in the hotel in Brighton where the Prime Minister and most of the Cabinet were staying while attending the annual Conservative Party conference. Four people were killed and many were injured. All political parties expressed their horror and outrage over this attack, for which the Provisional Irish Republican Army claimed responsibility.

## UNITED KINGDOM

In March 1984, machine gun fire from the Libyan Embassy directed at a small group of peaceful anti-Qadhafi demonstrators across the street killed a policewoman.

The British Government does not practice or condone killing for political motives. Under the law, police may use such force as is reasonable in the prevention of crime. In this regard, human rights activists have expressed concern over the use of plastic baton rounds (PBR's or plastic bullets) by security forces for the purpose of riot control, which have caused over a dozen deaths in recent years.

One highly publicized death occurred in August 1984 at a political rally in Belfast when a man participating in the rally was struck in the chest by a plastic bullet fired at close range. The police are investigating the circumstances of this death, but to date no results of the investigation have been revealed. The European Parliament voted in 1982 to ban the use of plastic bullets in all member states and passed a resolution in 1984 by an overwhelming margin calling for their ban specifically in Northern Ireland. Although acknowledging the danger of PBR use, the British Government contends they are less dangerous than live rounds. The abovementioned death was the first fatality from PBR injuries in over 18 months. A case on the use of PBR's brought before the European Commission on Human Rights by the National Council for Civil Liberties, was described by the Commission in 1984 as "manifestly ill-founded" and was dismissed. In late October 1984, the Commission ruled that use of plastic bullets is "acceptable" and "less dangerous than alleged."

Concern has been raised about statements considered to be unfairly partial to the police made by judges in the 1984 acquittals of four Royal Ulster Constabulary officers charged with murder in the shooting deaths, in separate incidents in November and December 1982, of one unarmed member of the Provisional Irish Republican Army and one unarmed member of the Irish National Liberation Army.

In December 1984, a British soldier was convicted of murder and sentenced to life imprisonment for the on-duty shooting death of a Catholic.

### b. Disappearance

British Government authorities do not abduct, secretly arrest, or hold persons in clandestine confinement, nor do they sponsor or condone such activities.

Northern Ireland Office sources report that during the first 11 months of 1984, over 59 persons were abducted, kidnapped, or illegally detained by terrorists in incidents related to the issue of Northern Ireland.

In the spring of 1984, a leading Nigerian dissident resident in Britain was kidnapped, drugged, and placed in a crate on an aircraft destined for Nigeria. British authorities freed the man in question, and subsequently expelled two Nigerian diplomats and asked the Nigerian Ambassador not to return to London when he went home on consultations.

## UNITED KINGDOM

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

British domestic law forbids mistreatment or torture of prisoners and provides penalties for such abuse. Confessions obtained by torture or any other inhuman or degrading treatment are not admissible as evidence in court. It is not official policy in Britain to practice deliberately cruel, inhuman, or degrading treatment or punishment of prisoners. The Government acknowledges, however, that some old British prisons are unsatisfactory and overcrowded, and many prisoners live in cramped, unhygienic cells. The Government is building new prisons, modernizing old ones, and expanding parole opportunities. With the opening of several new prisons in 1984, penal facilities became officially capable of holding approximately 38,800 persons but were still holding close to 43,300.

There have been complaints about "strip searching" in Northern Ireland jails, especially of women prisoners and visitors by female security personnel. Strip searching is now conducted only randomly for prisoners making home visits or court appearances. In contrast, visitors to the prison, including government officials, are subject to a "rub-down search," which involves an officer passing his or her hands over the visitor's clothing to detect hidden weapons. Despite allegations to the contrary, visitors to the prisons, unlike the prisoners themselves, are not subject to strip searches.

In questioning arrested persons, police are expected to comply with the Judges' Rules and Administrative Directions to the Police, except where superseded by the Northern Ireland (Emergency Provisions) Act of 1978 (see section 1.d. below). These rules serve as guidelines only because the United Kingdom has no exclusionary rule. Improperly obtained evidence and statements made by an accused person before being warned of his rights may be used in court. However, judges can and do refuse in court to accept improperly obtained evidence.

Persons wishing to make complaints about police conduct may obtain a leaflet at any police station explaining how to file a complaint. However, there is no independent board to investigate complaints, a fact criticized by the police federation itself. According to the latest figures available, in 1983, 30,691 complaints were completed, 1,448 of which were substantiated. Of these, 227 resulted in disciplinary or criminal proceedings against police officers.

Under the present system, police investigate complaints against the police. The Government has proposed a new police complaints authority, independent of the police, to supervise police investigations and oversee disciplinary processes in serious cases.

Although complaints have been filed regarding Royal Ulster Constabulary mistreatment of suspects, the British Government states that this is not due to gross misbehavior on the part of the police. No evidence to support or contradict this position has become available.

The Government has resisted demands by persons convicted of acts of violence in Northern Ireland that they be given the status of political prisoners, as well as demands of Loyalist prisoners for separation from Republican prisoners. These attempts included prison protests, sometimes fatal hunger strikes, and complaints to the European Commission on Human Rights, which were dismissed.

### d. Arbitrary Arrest, Detention, or Exile

The Criminal Law Act of 1967 and the Criminal Law Act (Northern Ireland) of 1967, which applies similar provisions to Northern Ireland, empower a constable to arrest without warrant any person whom he, with reasonable cause, suspects has committed, is committing, or is about to commit what is, or what he reasonably suspects to be, an arrestable offense. Procedures for bail, judicial determination of the legality of detention, and suits for false imprisonment are routinely utilized in the United Kingdom.

Except as noted below, anyone arrested without a warrant must be released on bail if he or she cannot be brought before a magistrate's court within 24 hours, unless the alleged offense is serious. If detained in custody the defendant must be brought before a magistrate's court as soon as practicable. In some cases, magistrates have repeatedly remanded persons into custody for periods totalling up to 18 months before trial. With the recent opening of several new courts, including a temporary building to relieve long waits in the Greater London area, remand prisoners are now being held for shorter periods before trial. Extra magistrates have been appointed to eight different courts which have been burdened by large numbers of cases arising from picketing in the miners' strike, but they are not necessarily hearing only strike-related cases.

Subject to review by Parliament, British common law allows for the abrogation of individual liberties by the executive in an emergency situation, such as the one posed by the continuing violence in Northern Ireland. Acting on the premise that the fundamental "right to life" was in serious jeopardy due to the violence in Northern Ireland, the British Government adopted two acts to deal with the threat: The Northern Ireland (Emergency Provisions) Act of 1973, now amended and consolidated as the Northern Ireland (Emergency Provisions) Act of 1978, which is applicable only to Northern Ireland; and the Prevention of Terrorism (Temporary Provisions) Act of 1984, which is applicable to the entire United Kingdom. Although both these acts empower the restriction of personal liberties, they are subject to parliamentary review and to mandatory renewal at frequent intervals.

A recent independent review of the 1976 legislation by Lord Jellicoe confirmed that it had effectively reduced terrorism and recommended that the powers contained in the act be extended to combat international terrorism and not just that associated with Northern Ireland. The Jellicoe Report also recommended improved safeguards to minimize the risk of abuse, including a maximum life of the legislation beyond which it would lapse unless reenacted by Parliament. Lord Jellicoe's recommendations were subsequently incorporated into the new Prevention of Terrorism Act, passed by Parliament in 1984.

This Act also gives the police the additional power to arrest without warrant persons anywhere in the U.K. whom they reasonably suspect to be involved with terrorism. Such persons may be detained for up to 48 hours after their arrest, and this detention may be extended for a further 5 days. Furthermore, as noted in the Jellicoe Report, police officers have the power to detain not only persons suspected of involvement in terrorism, but also persons from whom they wish to obtain information. Such detentions may extend up to a period of 7 days.

Under the 1978 Act the police in Northern Ireland are empowered to arrest without warrant any person suspected of being a terrorist, and to detain that person for up to 72 hours on their own authority. The 1978 Act also gives the police the power to arrest without warrant a person suspected of having committed, or being about to commit a "scheduled" offense (i.e., one listed on a schedule attached to the law). For the purpose of doing so, the police may enter and search without a warrant any premises or other place where that person is, or where the police suspect him of being.

Furthermore, under this Act, members of the armed forces on duty may arrest suspected terrorists without a warrant and hold them for up to 4 hours, after which they must be transferred to police custody or released. Allegations that these limits have been exceeded by the police or the armed forces have not been substantiated. In Northern Ireland, the police have accepted that persons arrested under the provisions of the Terrorism Act and the Emergency Provisions Act have the right of access to a solicitor after 48 hours of detention. Human rights activists report that the 48-hour rule is not always followed, however.

In 1983, the Secretary of State for Northern Ireland authorized Sir George Baker to begin an independent review of the 1978 Act. Published in April 1984, Baker's report concluded that the provisions of the 1978 Act were still necessary. The Government is still considering the recommendations contained in his report.

In August 1984, the Government lifted all notices of derogation on its practices in Northern Ireland with the European Convention on Human Rights and the International Covenant on Civil and Political Rights. These derogations were originally filed when internment without trial was initiated, a practice dropped 8 years ago. After a careful review, the Government believes all its laws and policies are within the guidelines of the European Convention and the International Covenant.

### e. Denial of Fair Public Trial

In the United Kingdom, fair trial is guaranteed by law and observed in practice. All criminal proceedings are conducted in public, with the exception of cases involving public security; public decency, at the judge's discretion; and juvenile court cases, from which the public, but not the press, is excluded. In a trial of charges under the Official Secrets Act, the court can be closed at the judge's discretion; the sentence must always be passed in public.

Cases related to Northern Ireland are often tried by a judge sitting alone, under legislation which decrees that terrorist offenses be tried in this manner. This form of criminal trial was introduced after the Diplock Committee, set up in 1972 to consider legal procedures to deal with terrorist activities in Northern Ireland, had recommended that, for scheduled offenses, trial by judge alone should take the place of trial by jury for the duration of the emergency. Among the arguments for this recommendation were that jurors were open to and afraid of intimidation or acts of physical violence against them, and that there was a continuing risk of unusual verdicts by partisan juries. However, juries continue to sit on all non-scheduled offenses and these constitute the majority of criminal cases. Unlike other courts in the U.K., the Diplock courts may admit in evidence statements made in custody by the accused, provided that such statements were not made as a result of torture or inhuman or degrading treatment.

The absence of a jury and the ability to convict solely on the basis of confession have been the subjects of criticism. Some human rights activists see an increasing tendency to rely on confessions rather than search for independent evidence of guilt or innocence. Critics also maintain that the conviction rates in the Diplock courts are unusually high. Judges in these courts must give written reasons for their decisions, which are made public. Defendants convicted in Diplock courts have an automatic right of appeal to the three-judge Court of Appeals (Criminal), on any ground, against conviction or a sentence. The independent review by Sir George Baker reported that the use of Diplock courts has been, and is, necessary.

Increased use of evidence provided by terrorist informers ("supergrasses") in non-jury courts has aroused discussion. Government officials state that the use of these informers has led to a marked reduction in the level of violence in Northern Ireland. Although the evidence of an accomplice has always been admissible in U.K. courts, in non-jury courts the judge alone, not the Government, must decide whether the evidence of the "supergrass" is credible, bearing in mind the danger of convicting on the uncorroborated evidence of an accomplice.

Critics assert that this places too great a burden of objectivity on a single individual. They also question whether the gains to security and public safety arising from the "supergrass" procedure outweigh the dangers to the credibility of the judicial system in Northern Ireland. In October 1984, a judge ordered the release of a person who had been held on remand for over 2 years on "supergrass" evidence. In Decmber 1984, 35 persons, accused under "supergrass" procedures of various crimes including murder, were acquitted. Some had been awaiting trial for almost 2 years. The number of persons convicted during 1984 with "supergrass" evidence was 18 Republicans and 2 Loyalists.

In December 1984, the Northern Ireland Standing Commission on Human Rights made recommendations to the Government for changes in the Northern Ireland (Emergency Provisions) Act of 1978 which, if adopted, would reduce the number of cases tried in Diplock courts, introduce three-judge panels to replace the single judge now in charge, restrict the use of "supergrass" evidence, and make other changes.

The Criminal Law Jurisdictions Act, enacted by both the British Government (1975) and Irish Government (1976), permits trial in the Republic of Ireland, in Northern Ireland, or in Britain of those accused of certain terrorist offenses, regardless of where the offense was committed.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The right of privacy is well respected in the United Kingdom. In 1984 a number of significant developments occurred in this area.

A Data Protection Act, designed to protect individuals against misuses of personal data stored in computers, and a new Police and Criminal Evidence Act were passed by Parliament in 1984. Human rights advocates successfully sought to ensure that the new laws would provide adequate protection from disclosure, search, and seizure of confidential records maintained by journalists, doctors, priests, social workers, and others. The Home Office undertook a review of its guidelines on the use of surveillance technology, as controversy arose over police use of hidden video cameras. The Royal Commission on Criminal Procedure recommended that a magistrate's warrant be required for such use, which presently can be authorized by police officials themselves.

Police use of telephone tapping was also criticized in a case referred to the European Court of Human Rights in 1983. Administrative regulations currently allow wiretapping only under a warrant from the Home Secretary. The court ruled that the British Government was technically at fault, as wiretap regulations were administrative and not statutory. The Government plans legislation to meet the court's criticism.

Warrants are generally required to search private premises. However, under the Northern Ireland (Emergency Provisions) Act of 1978, any member of the armed forces on duty or any constable may enter any premises or other place, if he or she considers it necessary to do so to preserve peace or maintain order. This provision was introduced in recognition of the practical difficulty of obtaining a warrant in certain situations involving terrorist incidents, but it has been criticized for allowing excessively broad powers of entry on mere suspicion of wrongdoing.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Personal liberty and freedom of speech are well established by British history, custom, and tradition.

While the Government appoints the Board of Governors of the British Broadcasting Corporation, it does not seek to control the content of programs. Viewpoints independent and critical of the Government are well represented.

There is no Government intimidation or censorship of the media, or of foreign and domestic books and artistic works. However, on matters of national security falling under the Official Secrets Act, the Government may prevent the publication of certain materials. Under this Act, the Government is prosecuting a former Under Secretary of Defense for leaking papers alleging government misconduct related to the sinking of an Argentine warship in 1982.

Self-policing by the media is practiced by such independent bodies as the British Board of Film Censors, operating under clear, published, apolitical guidelines. Under certain very restricted circumstances a court injunction may be obtained to prevent publication of particular items shown to be defamatory.

b. Freedom of Peaceful Assembly and Association

Freedom of peaceful assembly and association are a part of the long established tradition of civil liberties in the U.K. Except in cases of extreme civil disorders in which public safety is judged to be at risk, the British authorities do not exercise their statutory right to limit individuals' freedom to attend public meetings of their choice. Neither is any limitation placed on individual freedom to join associations, including trade unions, with the exception of several militant organizations, such as the Irish National Liberation Army and the Provisional Irish Republican Army.

British trade unions have full rights to organize, negotiate, and strike on behalf of their own members. The Employment Act of 1980, however, makes unions liable under civil law for losses resulting from "sympathy" strikes. In the rare instance where the right to strike is prohibited, e.g., for police officers, there are other means to resolve labor differences.

The Government does not control, intimidate, harasss, or persecute unions and other associations, nor does it limit in any way their freedom to maintain relations with recognized international bodies. However, in 1984 the Government prohibited continued trade union membership for public employees at its communications headquarters at Cheltenham on grounds of national security. The ban was first overturned and then upheld in the courts. The International Labor Organization's Committee on Freedom of Association reviewed this case and urged the Government to negotiate with the unions involved to reach an agreement that would meet both the Government's concerns regarding continuity of operations at Cheltenham and conform to the Convention on Freedom of Association and Protection of the Right to Organize.

In connection with the lengthy 1984 coal miners' strike, some commentators have expressed concern about: limitations on secondary picketing, which is illegal in the U.K.; inhibitions on the movement of striking miners into areas where miners are not on strike; and allegations of police brutality in confrontations with strikers. Others have called attention to instances of intimidation against working miners by those on strike.

Another significant exception to freedom of association in the U.K. is a response to terrorist violence associated with Northern Ireland. The Prevention of Terrorism Act of 1984 and the Northern Ireland (Emergency Provisions) Act of 1978 include sections prohibiting membership in or support of organizations (Loyalist and Republican) which are involved in terrorism. These organizations are specifically listed in the statutes. The lists do not include political parties, even those such as Provisional Sinn Fein with close links to militant organizations which carry out terrorist acts. Persons prosecuted under the 1978 Act are brought to trial in accordance with the trial procedures laid down by that Act.

c. Freedom of Religion

As a matter of Government policy and in general practice, everyone in Britain has religious freedom (in teaching, worship, and observance) without interference from the community or the state. Churches and religious societies may own property, conduct schools, and propagate their beliefs in speech and writing. Virtually every religion and sect found in the world is represented in the U.K. There is no religious or denominational bar to the holding of public office except in the case of the Sovereign, who must be a member of the Church of England. The Sovereign's children must be raised in this church or they lose their right of succession to the throne.

England and Scotland both have established churches. The established church's relationship with the state is one of mutual obligation--privileges accorded to the church balanced by certain duties which it must fulfill. The state makes no direct financial contribution to church expenses. Church independence was demonstrated in 1984 when leading bishops criticized government policies. The existence of established churches does not limit the freedom or access to public life of members of other churches. The Church of Ireland and the Church of England in Wales have been disestablished.

In Northern Ireland, the Constitution Act of 1973 specifically prohibits discrimination on the basis of religious belief or political opinion.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

In general, U.K. citizens have freedom of movement within the country, and in foreign travel, emigration, and repatriation. One exception to this general principle is contained in the Prevention of Terrorism Act of 1984. The Act gives the Home Secretary the authority to exclude or prevent from entering Great Britain (comprised of England, Scotland, and Wales) anyone he believes may be connected with terrorism related to Northern Ireland, unless that person was born in Great Britain and has been ordinarily resident there, or has been ordinarily resident there for 3 years. Only one person was excluded in 1984. The Secretary of State for Northern Ireland also has the power to exclude people from that province on the same grounds, unless they were born and have been ordinarily resident in Northern Ireland, or have been ordinarily resident there for 3 years. In addition, any person may be excluded from the United Kingdom who may be ordinarily resident in the United Kingdom, but who is not a U.K. citizen, and is involved in terrorism related to Northern Ireland. Once excluded from a region of the United Kingdom, the person is forbidden to reenter that area. Under the 1984 Act, exclusion orders are subject to review after they have been in force for 3 years. These powers have been referred to by many, including the National Council for Civil Liberties, as a system of internal exile.

With the entry into force in 1983 of the British Nationality Act of 1982, two new categories of citizenship--British dependent territories citizenship and British overseas citizenship--were created for those citizens of the United Kingdom and colonies who had no "close connection with the United Kingdom." People in these categories lost none of those rights they may have had to enter the United Kingdom before the new Nationality Act came into effect.

# UNITED KINGDOM

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The United Kingdom is ruled by a Government formed on the basis of a majority of Parliamentary seats won in freely contested elections. Participation in the political process is open to all persons and parties, of which there are several representing a broad range of political views.

For Parliamentary and local elections, the franchise is given to all citizens 18 years of age and over. The right to citizenship itself was significantly affected by the British Nationality Act, which came into force on January 1, 1983. Under one of its provisions, the automatic, unchallengeable right to British nationality, previously accorded to virtually every child born in Britain, now extends only to those children born on British soil, of whom one parent has the right of permanent residence in the U.K. This provision has been criticized by immigrants' welfare groups as likely to leave many children born in Britain (of refugees, stateless persons, and transients) effectively stateless and deportable. The Act also affects the status of citizens of British dependent territories and former colonies.

Women have full rights of participation and are represented at all levels of British political life, but in relatively small numbers. Of 650 members of Parliament, 24, including the Prime Minister, are women. Women officers in both major political parties have complained of de facto discrimination against women within their respective parties. Although racial minorities comprise about 5 percent of the total population, no members of these groups presently sit in the House of Commons.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The United Kingdom participates in several international and regional human rights bodies, including the European Commission on Human Rights, the U.N. Human Rights Commission, and the U.N. Commission on the Status of Women. In addition Britain is a party to several human rights conventions. The British Government is an advocate of measures to improve the human rights machinery of the United Nations.

The British Government generally maintains an open attitude toward international inquiries into alleged violations of human rights in the United Kingdom. It cooperates fully with the European Commission on Human Rights in investigations of complaints and takes steps to rectify its own laws and policies when they are found not to be in conformity with the European Convention.

Britain is the host country to several international non-governmental human rights organizations, such as Amnesty International. Over 100 active national organizations in this field, representing a wide divergence of views, operate freely in London and throughout the country.

Amnesty International's 1984 report (covering 1983) expressed concern that the so-called Diplock courts in Northern Ireland may not conform to international standards for a fair trial. The report also stated that Amnesty is studying shootings in

Northern Ireland to assess charges that the Government has a deliberate policy of having suspected terrorists killed. This has been strenuously denied by the Government. Amnesty also criticized a number of aspects of prosecution in "supergrass" cases. Amnesty adopted no prisoners of conscience in the United Kingdom. Freedom House rates the United Kingdom "free," although it noted that "in Northern Ireland a severe security situation has led to the curtailment of private rights, to imprisonment, and on occasion to torture and brutality." After government investigation, Freedom House wrote, these conditions improved.

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Through a highly developed welfare system, the British Government meets the health, educational, and other basic needs of the people. The National Health Service provides comprehensive medical services to the entire population of just over 56 million. Life expectancy at birth is 74 years, and infant mortality is 9.8 per 1,000 live births. The adult literacy rate is 99 percent. The 1982 per capita gross national product was about $9,662. By and large, services are fairly distributed, but a recent Home Office report states that some de facto discrimination continues in the provision of goods and services.

The Race Relations Act of 1976 bars discrimination on the basis of race, color, nationality, or national or ethnic origin. The Commission for Racial Equality, established under the Act, has studied racial discrimination in housing allocation and made recommendations to public housing authorities. Other studies have documented a black unemployment rate that is nearly double that of whites, black overrepresentation in manual jobs, and racial discrimination in job recruitment. In 1984, a Code of Practice on Employment, proposed by the Commission and accepted by the Government, took effect. Although the Code does not have the force of law, it can be used as a standard of good practice by industrial tribunals in racial discrimination cases and can serve as a guideline for firms in eliminating direct and indirect forms of discrimination.

Equal status and equal opportunity for women in professional fields is provided by law. Under the Equal Pay Act of 1970, women are entitled to equal pay with men for doing work that is the same or broadly similar. The Equal Opportunities Commission assists in the enforcement of these Acts. There is corresponding legislation and a separate commission for Northern Ireland.

Despite their legal rights to equal employment, however, in practice women have yet to achieve fully equal status in the United Kingdom. The average female wage-earner takes home only three-quarters the pay of her male counterpart and women hold three-quarters of Britain's lowest-paying jobs. In 1982, the European Court of Justice found that Britain had failed to institute a fair system of ensuring equal pay for equal work and ordered the U.K. to establish a means of requiring employers to introduce job classification systems on the basis of which equal pay claims could be adjudicated. Trade unions have complained of discrimination against women in occupational pension schemes, unemployment benefits, inadequate care allowances, and housewives' non-contributory invalidity pensions.

On the other hand, progress toward women's equality is also visible. In November 1983, a rule change in the Social Security benefit payments system allowed women to be treated as head of the household and to claim benefits in ways that only men could do previously. A proposed Social Security bill giving men and women equal state pension rights was introduced in Parliament. Over twice as many women as men have been recruited into the Civil Service over the past few years in an attempt to redress previous imbalances. In 1984, Parliament repealed legislation that prohibited married women in Scotland from selecting the location of the family home.

In Northern Ireland, the majority Protestant community is more prosperous and highly skilled, and controls much of the local economy. The unemployment rate in Northern Ireland is substantially higher than that of the United Kingdom as a whole, and this burden falls disproportionately on the minority Catholic population. The reasons for this are complex, involving a long history of discrimination by the one community against the other for the purpose of maintaining its traditionally dominant position. British Government policy attempts to alleviate the problem by promoting equal opportunities, attracting more investment to the area, and subsidizing the economy through public sector spending.

Since 1972, when direct British rule was introduced in Northern Ireland, specific measures have been taken to combat religious discrimination against Catholics. These include the institution of universal suffrage and abolition of voting limitations based on property; prohibition of religious or political discrimination by any level of government; establishment of a Commissioner for Complaints to deal with grievances against local government; establishment of a Central Housing Authority to meet the problem of discrimination in housing; prohibition of discrimination in employment; and a special effort to recruit more Catholics into the Civil Service and the Police. While not disputing the value of these structures, critics are not satisfied and point to slow progress in remedying historical imbalances.

# YUGOSLAVIA

The Socialist Federal Republic of Yugoslavia is a multinational, federal state comprising six republics, one of which has two autonomous provinces. The League of Communists of Yugoslavia (Communist party), maintains a monopoly on political power. The ideology of Yugoslav communism and socialist self-management differs substantially from the highly centralized and rigid Soviet model of Communist rule. In the Yugoslav political system, the party is decentralized so that the republic and provincial party authorities wield power that is seldom challenged by the central party bureaucracy. In the economic system, socialist self-management theoretically and legally provides that the workers run their own enterprises. It also permits extensive, private, small-scale farming and some private enterprises in services.

Although the fundamental tenets of socialist self-management and the federal structure of the state are among the taboos which cannot be questioned, there is relatively open debate within and outside the League of Communists on the implementation of these concepts. Key topics frequently discussed in the open include the boundaries of permissible political and cultural expression, economic reform, and the functioning of the political system. Some issues, however, like the rights of and the relations among ethnic groups, appear to be so sensitive that free speech is not tolerated. The multiethnic composition of the population and the tragic internecine strife between Croats and Serbs during World War II have made Yugoslav leaders wary of separatist sentiment. The late President Tito and successive Yugoslav governments have taken stern measures to repress display of "nationalism."

In this framework the Yugoslav human rights situation in 1984 was marred by several negative developments. Harassment, arrests, and indictments increased for verbal and other expressions of "nationalism," a pejorative term implying loyalty to one's own ethnic group to the detriment of other ethnic groups and the Yugoslav multiethnic community. Some Yugoslavs participating in a private academic seminar on ethnic relations were arrested and indicted on political charges. One has so far been convicted, and one died mysteriously. Continuing Serb-Albanian antagonism in the Autonomous Province of the Kosovo has led to killings and rapes. Some professors who were suspected of propagating Albanian "nationalism" were dismissed from their positions. Overall, the number of political prisoners has apparently increased, especially in the Kosovo.

In recent years, Yugoslavia has been hard hit by a series of economic difficulties, including massive foreign debt, high inflation, rising unemployment, and declining living standards. Clashes of political and economic interests have impeded resolution of these difficulties.

# YUGOSLAVIA

## RESPECT FOR HUMAN RIGHTS

## Section 1 Respect for the Integrity of the Person, Including Freedom from:

### a. Political Killing

A worker named Radomir Radovic, one of a group of 28 Yugoslavs detained on April 20 while participating in a private academic seminar in Belgrade on ethnic relations, was later found dead under mysterious circumstances several days after being questioned by local police. Although a coroner's report subsequently ruled his death a suicide, serious questions remain about its cause. Some activists believe that there was direct or indirect police complicity in Radovic's death.

The Autonomous Province of the Kosovo, which is predominantly ethnic Albanian, continues to be troubled by ethnic tension and occasional violent political acts. The tension stems from deep-rooted ethnic Serb-Albanian antagonism, compounded by what many Albanians claim is discrimination by ethnic Serb authorities in Belgrade. Deaths related to that tension occasionally occur in the Kosovo. Killings or, more recently, rapes of ethnic Serbs by ethnic Albanians are usually reported in the Belgrade media as motivated by nationalism. Official toleration of killings of ethnic Albanians by Serbs or other non-Albanian Yugoslav officials are occasionally alleged by emigre ethnic Albanian groups, but no proof has been established with respect to these allegations.

During the past few years, according to reports in the Western press, Yugoslav intelligence services have been responsible for murders in Western Europe of key members of opposition emigre organizations. Some of these groups have engaged in terrorist activities against Yugoslav embassies and other establishments in the West.

### b. Disappearance

No instances of permanent or prolonged disappearance of persons inside Yugoslavia were reported in 1984. In the past, the Yugoslav intelligence services have allegedly kidnapped prominent Yugoslav emigres in order to return them to Yugoslavia for trial.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Although Yugoslav law and the Constitution forbid torture, various sources, including Amnesty International, have reported allegations that people have been beaten, tortured, or threatened during pretrial detention or, more rarely, while serving sentences. Police officials are periodically reprimanded or suspended for illegal use of force, and the local press reports such incidents. Allegations have been made of the misuse of psychiatry in political cases, and the Yugoslav press this year published one such instance.

### d. Arbitrary Arrest, Detention, or Exile

"Political crime" in Yugoslavia, as defined by the Yugoslav Criminal Code, consists of attempts to overthrow the constitutional order or attacks on the country's territorial integrity and basic constitutional values. The definition of political crime includes a number of broad, imprecise categories, such as "counterrevolutionary attacks," "endangering the independence of the state," "association for (the purpose of) hostile activity," and "hostile propaganda." Laws against such activities are applied far more strictly in some parts of the country than in others, and usually with far greater severity in cases of "nationalism" than in cases involving other forms of political criticism. Arrests on charges relating to "nationalism" have been especially numerous among ethnic Albanians in the Kosovo. Arrests on "hostile propaganda" charges have included citations for participating in demonstrations at which speakers advocated full republic status for the Kosovo, passing out leaflets, singing "nationalist" songs, and writing "nationalist" slogans in public places.

Political cases are usually reported in the press. Pretrial confinement in political cases does not always occur: for example, six Belgrade intellectuals indicted for political offenses, although initially placed under arrest, were subsequently released from prison, remained at liberty throughout the period leading up to their trial, and participated actively in preparation of their defense.

Yugoslav legal procedures, which derive from Napoleonic law, are generally followed in all, including political, cases: arrests are conducted pursuant to warrants; defendants are brought before a judge within 24 hours of arrest; individuals arrested for political reasons are openly charged with violating specific sections of the Criminal Code dealing with political crimes (not accused of ordinary crimes or of treason or espionage); and defendants have the right to independent counsel.

The Yugoslav Criminal Code allows the arrest and imprisonment of Yugoslav citizens for acts considered under Yugoslav law to be political offenses, even though they were committed abroad and were not crimes in the country in which they took place. In the past year, such cases have involved Yugoslav dual nationals or guest workers resident in the United States, the Federal Republic of Germany, and Switzerland.

### e. Denial of Fair Public Trial

Although ordinary criminal trials are almost always open to the public, not all political trials are. Yugoslav political authorities usually do not remain impartial in judicial proceedings concerning political cases. Substantial evidence exists that Federal, republic, and provincial political authorities have sought in some cases to orchestrate trials of those charged with political crimes. Human rights organizations believe that the outcome in political cases is determined before the trial takes place. Others, including some critics of the Government, hold that the courts have considerable independence, particularly in determining length and type of sentences, if not innocence or guilt. Amnesty International has reported the reluctance of some defense lawyers to take some political cases for fear of pressure. The six accused Belgrade intellectuals and a Sarajevo sociologist, Vojislav Seselj, convicted in 1984 on a political charge, found energetic and independent attorneys. However, in their trials, the first choice of defense counsel for several defendants was prevented by the authorities from acting on their behalf when the prosecution listed him as a prosecution witness. Many believe the real purpose of this action was to prevent his acting for the accused.

The Yugoslav public prosecutor is required by law to give a public report to the Federal Assembly (Parliament) on the annual number of indictments for political offenses. The total number of persons currently incarcerated in Yugoslavia for political offenses is very difficult to determine. Official figures are frequently contradictory and difficult to obtain, but according to official statistics for 1983 the number of persons sentenced for political crimes in that year appeared to have risen by about 7 percent. Political crimes actually increased during that year in only the republics of Bosnia-Hercegovina and Montenegro. In 1984 the number of indictments and convictions for political offenses rose substantially in the Autonomous Province of the Kosovo and in Serbia. In the Kosovo, there were 132 convictions for political offenses in the first 6 months of 1984, as opposed to a total of 176 in all of 1983, according to a report published in an authoritative Belgrade news weekly. In addition, several trials of alleged "irredentists" were held following publication of the report. The report also stated that by the end of June 1984, 585 ethnic Albanians had been sentenced on political charges since the beginning of the Albanian nationalist disturbances in the Kosovo in March 1981. At present, there are probably 450-500 political prisoners in the Kosovo. In Croatia, according to local authorities, there were 61 individuals serving time for political offenses as of September 21, 1984, 6 fewer than in September 1983. Countrywide, the number of political prisoners may be estimated at between 600 and 750, an increase of perhaps 100 over 1983.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Yugoslav authorities are widely alleged to interfere in the private lives of citizens. Although the judicial system provides elaborate and generally effective safeguards concerning procedures for conducting searches, many Yugoslavs believe that the authorities eavesdrop on conversations, read mail, and tap telephones.

## Section 2. Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Although there have been some setbacks during the past year with respect to freedom of speech, there is a slow, widely acknowledged trend toward greater openness and media freedom. Nevertheless, police authorities seized and briefly detained 28 Yugoslavs, including former Vice President Milovan Djilas, who were holding a private academic seminar in Belgrade on ethnic relations. One of the detainees, Sarajevo sociologist Vojislav Seselj, was tried and convicted on a political charge and sentenced to 8 years in prison (subsequently reduced on appeal to 4 years). Six others, of whom four were members of the group, were indicted for political offenses. Their trial began on November 5. The police raid was inconsistent with official toleration of such seminars which not only had been held in Belgrade since 1975 but also were resumed without incident after the raid.

Derogatory ethnic comments which the Government considers incendiary are punished when brought to the attention of the authorities. Proscribed verbal statements and other forms of personal expression (e.g., painting hostile slogans) are grounds for prosecution, especially in cases of "nationalist" expression. The Government distinguishes between private verbal statements, of which it is more tolerant, and public ones, such as singing "nationalist" songs or distributing "nationalist" literature.

The Government gives considerable latitude to what it considers non-nationalist verbal statements of disagreement with government policy, except on a limited and declining number of "taboo" themes, such as the personality of the late President Tito, the accepted version of the Yugoslav experience in World War II, and the basic socialist and nonaligned foreign policy orientation of the state.

Apart from religious publications, Yugoslav media are given direction by the party or Government. Some newspaper publishing houses, however, enjoy a degree of autonomy which has increased markedly in recent years. On domestic issues, press criticism of specific government policies is frequent and growing. This extends to criticisms of overall policies and even the competence of the Cabinet. Criticism of the State Presidency is rarer. In 1984, the press often criticized the League of Communists for indecision and weak or divided leadership.

Although there is no official prepublication censorship in Yugoslavia, the print media's independence is circumscribed by the oversight exercised (in theory, indirectly) by the authorities. The media exercise considerable self-censorship but at the same time are moving to expand the boundaries of the permissible. This process often leads to clashes with the authorities. For example, in the summer of 1984, an 80-page special issue of Knjizevna Rec, a Serbian youth literary biweekly, ran a series of articles directly attacking repression of political expression in Yugoslavia. The series was particularly critical of a Croatian party document (the so-called "White Book"), issued in May, which attacked "liberalism" in culture and named over 200 eminent (mostly Serb and Slovene) writers and cultural figures. Knjizevna Rec was extensively criticized: its editor, who was due to depart in any event, was removed and later dismissed from the party. The former editor is currently at work in a research institute, and no further action has been taken against him.

In the publishing of books, restraints are usually exercised by publishing house boards, which are subject to loose oversight. A wide range of critical and political books by Yugoslav and foreign authors has been published. For example, Orwell's "1984" has become a best seller in a reissued paperback translation. Occasionally books are published and later recalled. For example, in 1984, a book on the 1968 student demonstrations in Belgrade was banned after its release. Its author then criticized the authorities' action in public print, but the book remained banned. Sometimes, books banned from circulation in one republic become best sellers in another. There is some private publishing in Yugoslavia, although official attitudes toward it vary from republic to republic.

The authorities continue to apply pressure on professors at the Kosovo's Pristina University, going so far as to expel some who are suspected of propagating Albanian "nationalism" or who are accused of failing to oppose it. On the other hand, members of the "Praxis" Group at Belgrade University, although not allowed to teach, continue to work, publish, and read public papers concerning domestic politics, philosophy, and social theory. In some politically related fields, such as economics, the situation varies. Frank, published criticism of the Government's economic policies by prominent economic writers is common practice, and on occasion their advice and counsel is sought by government officials. Authors free from official intervention in one republic may be subject to informal pressures in another.

Western newspapers, books, and periodicals are openly available in Yugoslavia, although their numbers are currently restricted by hard currency shortages. Individual issues of Western magazines or newspapers may be censored or forbidden entry into the country when judged by authorities to be offensive, but this practice is rare. However, some publications by Yugoslav emigre groups are considered hostile propaganda, and possession of them may be grounds for criminal prosecution. In 1984, the authorities arrested three priests for distributing a proscribed emigre magazine which, according to the Government, calls for the destruction of the political system and incites hatred among ethnic groups. Two priests were convicted and sentenced to 14 and 10 months in jail, while the third was set free.

### b. Freedom of Peaceful Assembly and Association

Public political demonstrations are permitted only by official organizations and, generally, only in support of government policy; others usually are suppressed. However, some semi-public independent gatherings are tolerated. Regular meetings of the Serbian Philosophy Society, critical of the authorities' handling of dissidents as well as domestic policy, have taken place and continue to be tolerated. The Slovenian Philosophic and Sociological societies have sponsored meetings at Ljubljana University to discuss the cases of convicted Sarajevo sociologist Vojislav Seselj and the six indicted Belgrade intellectuals.

On November 13, 19 prominent Belgrade intellectuals announced formation of a "committee for the defense of free thought and expression" to protest the trial of the Belgrade Six. Although the group has been denounced in the press, to date no overt actions have been taken against its members.

Trade unions, organized geographically by republic and province, form part of the Yugoslav governmental system. They are no longer solely "transmission belts" of authority and control. Union leaders increasingly play a significant role within the political system in advocacy of workers' interests on such matters as the impact of inflation and wage policy.

## YUGOSLAVIA

Strikes, often referred to as "work stoppages," are not prohibited by law and occur frequently, usually for local reasons. The longest work stoppage in postwar Yugoslav history--the 45-day sit-down strike at Macedonia's Idnina plant in 1984--was resolved through compromise. Union leaders usually attempt to mediate between workers and management in cases of strikes or threatened strikes.

Professional groups, such as scientific bodies and lawyers' associations, maintain regular ties with their counterparts in recognized international bodies. The degree of application of political criteria for employment, virtually absolute immediately after World War II, has now diminished. Nevertheless, "moral-social" (i.e., political) criteria, are still actively applied for some employment, especially for government positions. Party membership, furthermore, is a virtual necessity for advancement in government, academia, and management positions in the economy.

### c. Freedom of Religion

Yugoslavia is a multireligious state. Most Yugoslav believers are members of the Roman Catholic Church, of the Serbian or Macedonian Orthodox Churches, or of the Islamic faith. Since World War II, the religiously observant Jewish community has numbered only several thousand persons. There is no official or favored religion: the Government officially encourages atheism. Freedom to practice religion is guaranteed under Yugoslav law, but proselytizing is outlawed. Religious communities have their own publications sold by subscription, although not at public kiosks. They maintain contacts with coreligionists abroad; Yugoslav Muslims go to Egypt or Saudi Arabia to study or on pilgrimages, Catholics have close contacts with Rome, and Jews maintain active ties to the world Jewish community and to Israel.

Conflicts between the state and Yugoslav religious communities develop when the latter attempt to engage in activities that the authorities consider "nationalist" or political or, on the local level, over matters such as church building or social services, especially youth activities. The authorities regard ties between Yugoslav Muslims and Islamic fundamentalist groups with suspicion. They regularly criticize Catholic Church organizations in Yugoslavia for alleged support of Croatian nationalism and political activism. The authorities have also criticized the Serbian Orthodox Church, less intensely, for Serbian nationalism. They occasionally charge individual priests and Muslim imams with political offenses, usually related to "nationalism."

The Government discriminates against actively practicing religious believers of all faiths; for example, a party member who baptizes his children risks expulsion from the party. This restriction has been criticized by the press and by some party officials. However, occasional attendance at services, such as on major holy days, usually causes no problems. Proselytizing activities and religious instruction of children are constrained, but restrictions vary from region to region. All three major faiths make vigorous efforts to provide religious instruction to youth. The Muslims are very active in Bosnia and Western Macedonia, as are Catholic priests at Croatian universities and the Orthodox Church in parts of

Serbia. The building of new churches and mosques requires government permission. Permits to build some especially meaningful and symbolic churches, such as a new Serbian Orthodox St. Sava Church in Belgrade, have not been forthcoming, because the authorities maintain that they would represent more "nationalist" than religious symbols. Muslims, however, have succeeded in erecting or renovating many mosques in Bosnia in recent years.

In September 1984, the authorities permitted a Roman Catholic eucharistic gathering in Marija Bistrica, near Zagreb, which attracted crowds estimated at between 150,000 and 400,000 people. This event probably represented the largest nonofficial gathering in Yugoslavia since 1945. Furthermore, the Yugoslav authorities since 1981 have tolerated pilgrimages by domestic and foreign Catholics to the village of Medjugorje (in Bosnia-Hercegovina) where the Virgin Mary reportedly has appeared to several small children. Catholic Church officials estimate that approximately two and a half million visitors have come to Medjugorje in the past 3 years.

### d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

Almost all Yugoslavs are able to emigrate, seek temporary employment abroad, or visit foreign countries at will. Half of the country's population possesses valid passports, and no exit permits are required to visit the more than 135 countries with which Yugoslavia has diplomatic or consular relations. Yugoslav Jews (and many non-Jews) freely visit Israel, with which Yugoslavia has no diplomatic relations. Some Yugoslavs are denied passports on national security or political grounds. In July 1982, the Yugoslav media reported that a total of 26,000 passports had been denied in the postwar period, mostly to people with political criminal records. Over 600,000 Yugoslav workers, some with family members, are currently employed as "guest workers" in Western Europe.

Freedom of movement within the country is guaranteed by the Constitution and permitted in practice. However, many ethnic Serbs believe that the out-migration of ethnic Serbs from the predominantly ethnic Albanian Kosovo Province is the result of anti-Serbian behavior on the part of ethnic Albanians (including personal threats or occasional violent acts, forced sale of property, or vandalism).

The law on the entrance of foreigners to Yugoslavia notes the right of permanent asylum and provides for government assistance to persons granted that right. In addition, Yugoslavia extends temporary asylum to refugees who, with the assistance of the Belgrade office of the United Nations High Commissioner for Refugees, seek permanent resettlement in third countries. At present, there are about 1,400 refugees temporarily in Yugoslavia. Cases of forcible repatriation of a refugee to his home country are infrequent; in 1984, a group of 10 refugees was repatriated to Romania, allegedly because of disciplinary problems.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The 2 million-member League of Communists of Yugoslavia maintains a monopoly on political power, but that authority is dispersed because the party is decentralized to the level of the six republics and two provinces. Yugoslav politicians and the press regularly note that the country's eight regional party organizations hold widely differing views on key policy issues. Recently, the party Central Committee held a plenary debate, at which differences were openly aired and broadcast on prime-time television.

Governmental bodies are responsible in theory and in fact for administering and drawing up policies, especially economic policies. At the top of the government structure are the collective State Presidency, the Federal Executive Council (Cabinet), and the Federal Assembly (Parliament). The Presidency is responsible for overall policy direction. The Cabinet is responsible for running the governmental machinery and proposing legislation, and has taken on tasks such as those associated with the country's foreign debts and economic reforms. The Federal Assembly in recent years has become a very active body. It frequently rejects Cabinet proposals, often by divided votes, holds hearings, and draws up its own proposals. Some Assembly delegates have used their seats as platforms for the expression of sharply critical or controversial personal or regional views, which have been widely reported in the press and frequently aimed at generating popular support.

Selection to government bodies occurs through a delegate system. Nominations originate in the party's "mass organization," the Socialist Alliance of the Working People of Yugoslavia, and proceed through a series of endorsements from other bodies (such as trade unions). On the local level, ordinary workers can and do play an active role in the nomination process. Only one candidate usually is nominated for each office, although some multicandidate elections took place this year within the Croatian Republic and Zagreb City Assembly. Virtually all major government functionaries are party members.

## Section 4 Governmental Attitude Regarding International and Non-Governmental Investigation of Alleged Violations of Human Rights

The Government has shown a willingness to discuss and raise general questions of human rights in international forums, including meetings of the nonaligned countries, review meetings of the Conference on Security and Cooperation in Europe, and in other multilateral forums. It is sensitive to Western charges of human rights violations within Yugoslavia. The Government issues visas to representatives of international human rights groups, but officials may refuse requests from these groups for appointments. The Government recently demonstrated its sensitivity to investigations of internal human rights practices by expelling a British journalist (who knew and had been in direct contact with some of the accused six Belgrade intellectuals) for alleged violations of Yugoslav laws and regulations. Nevertheless, representatives of other Western organizations, including Amnesty International and the American Bar Association, have been permitted to attend this trial.

Both Amnesty International and Freedom House have issued reports on human rights issues in Yugoslavia. Freedom House has rated Yugoslavia "partly free." Amnesty International's annual report for Yugoslavia cites its concern about detention and imprisonment of political prisoners and raises various charges of ill-treatment during pretrial detention, unfair trials, poor conditions in some prisons, and use of the death penalty.

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The population of Yugoslavia in 1984 was approximately 23 million, with an annual growth rate of 7.2 per thousand. According to World Bank estimates, gross national product per capita in 1982 was U.S. $2,802. The dramatic variation that exists in per capita income levels among the various republics stems from historic, regional, and natural resource differences. Life expectancy at birth in 1984 was 71.6 years, and the infant mortality rate was 28 per 1,000 live births. There is an extensive system of social and medical security for those who are old, disabled, or without employment. The Government provides a system of day care nurseries for working mothers. Education is extensive, government-run, and free through high school. Adult literacy is estimated at about 85 percent. In 1981, the primary school enrollment ratio was estimated at 66.1 percent.

In 1984, the Yugoslav economy continued to suffer from the effects of a foreign liquidity crisis as a result of excessive foreign borrowing in previous years. Inflation, spot shortages of some consumer goods, and high unemployment clouded the economic picture. The economic situation looked somewhat brighter in the later months of 1984, as the rate of increase in inflation began to abate, and production picked up. Nevertheless, the average Yugoslav has experienced a steady erosion of his living standard in recent years.

The Yugoslav economy is decentralized, with a high degree of autonomy at the republic and local level. Yugoslavia limits the individual's ability to accumulate personal property for private commercial use. Farmers may own up to 10 hectares of arable land plus additional hectares of mountainous terrain as pasturage. Almost 85 percent of all land in Yugoslavia is privately owned. Small-scale private enterprise is permitted and is prevalent in some regions, especially in services. Yugoslav law imposes a legal limit of five employees, plus family members, in private enterprises. At present draft legislation is under consideration that would liberalize these conditions.

Factories, in theory, are owned by society as a whole and entrusted to their workers, organized in enterprise-level workers' councils. In practice, the influence of the workers' councils varies. There are no business enterprises directly operated by the state, with the possible exception of some defense-related establishments and agricultural research stations.

The Constitution charges government authorities at all levels with protection of the cultural rights of the peoples of Yugoslavia. The use of the major local language is required in official communication between Belgrade and the various republics, and local languages are used in the schools, courts, and local media. Each citizen has the right in theory and practice to address courts and government agencies in his own language. Despite government efforts, discrimination continues, however, particularly against ethnic Albanians and gypsies.

The Constitution guarantees the equality of citizens regardless of sex, and the Government has taken steps to improve the status of women. Maternity leave for employed Yugoslav women is very liberal and is routinely granted for periods between 9 months and 1 year. Depending on the republic, working mothers are given day care allowances based upon their salaries and the number of children to be cared for. Also, for up to 2 years after the birth of a child, a working mother may take sick leave when her child is ill.

The role of women in Yugoslavia's work force has slowly improved as a result of increased education and urbanization in the society as a whole. According to statistics for 1983, 36.9 percent of the Yugoslav work force was composed of women, as opposed to 34.5 percent in 1974. However, women still hold relatively low positions in their respective fields of employment. While there is no woman on either the collective State Presidency or the party Presidency, the present Prime Minister (President of the Federal Executive Council) is a woman. The general situation of women is the result less of official discrimination than of cultural and historical attitudes.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: YUGOSLAVIA

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.AID ................ | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.0 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.1 | 0.1 | 0.1 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.1 | 0.1 | 0.1 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.1 | 0.1 | 0.1 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 0.1 | 0.1 | 0.1 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.1 | 0.1 | 0.1 |
| OTHER US LOANS.......... | 17.2 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 17.2 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 284.8 | 623.3 | 582.4 | 4887.6 |
| IBRD | 256.6 | 520.0 | 451.0 | 4236.2 |
| IFC | 28.0 | 35.4 | 64.7 | 427.9 |
| IDA | 0.0 | 0.0 | 0.0 | 0.0 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 0.2 | 0.9 | 0.0 | 36.7 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 3.1 |
| EEC | 0.0 | 67.0 | 66.7 | 183.7 |

# NEAR EAST, NORTH AFRICA, AND SOUTH ASIA

## AFGHANISTAN

Invaded by Soviet armed forces in December 1979, Afghanistan is now wracked by a country-wide insurgency in which some 115,000 occupying Soviet troops plus regime forces are pitted against the Afghan resistance, or mujahidin, supported by the vast majority of the people. This is in keeping with Afghan history, in which the greatest moments of common endeavor for the independent-minded Afghans occur in the face of foreign invasion.

In 1978, a Marxist-Leninist coup overthrew President Daoud, who in 1973 had deposed his cousin, the last Afghan king, and established a republican-style government. The 1978 coup established the Democratic Republic of Afghanistan, with Noor Mohammad Taraki, Secretary-General of the Marxist-Leninist People's Democratic Party of Afghanistan, as President of the revolutionary council and Prime Minister. Opposition to a Communist regime developed almost immediately and spread throughout the country. Differences among leaders also surfaced and resulted in numerous killings, purges, and imprisonments. In March 1979, Hafizullah Amin replaced Taraki as Prime Minister, but Taraki kept the office of President. In September 1979, intraparty factionalism erupted in a showdown between the two leaders, Amin and Taraki, resulting in the death, under still unexplained circumstances, of Taraki and the assumption of full power by Amin.

Against this background, the Soviet Union intervened directly on December 27, 1979, and brought by March 1980 its military presence to a total of 85,000 troops. Amin and his family were killed in a Soviet armored assault against the Presidential palace, and in his place the Soviets installed Babrak Karmal.

Soviet influence escalated dramatically after the 1979 invasion. Soviet advisers moved into controlling positions in government ministries, the army, and the security apparatus and now either directly make, or are deeply involved in, all significant political, military, and social decisions. The Soviets dominate the central governmental apparatus while a Marxist-Leninist party provides the political front for a ruling clique, centered around Babrak Karmal, whose authority depends on the presence of Soviet troops.

The Soviets seek not only to dominate Afghanistan strategically but also to reshape this traditional Muslim society in the Soviet mold. The slender base of support for Moscow's chosen instrument, the Marxist-Leninist People's Democratic Republic of Afghanistan, and the determination of the resistance, has led the ruling party and its adherents to resort to ruthless means to preserve itself in power.

There was little change in the human rights situation in 1984. The most pervasive violator of human rights is the secret police, Khad. Precise figures are not published, but probably more than 25,000 persons work full time for this multifaceted organization, modeled on the Soviet KGB. Soviet secret police serve as advisers. Khad is responsible for foreign and domestic intelligence collection and clandestine operations and for maintaining regime control through surveillance, arrest, interrogation, and imprisonment. Tensions in urban areas continued to be fanned in 1984 by systematic violations of the sanctity of the home and person as increasingly ruthless Khad forces searched private homes for arms, political opponents, military recruits, and loot.

Outside of Kabul, where regime control is limited or nonexistent, human rights continued to be violated on a scale unprecedented in recent Afghan history by Soviet and Soviet-directed forces. In 1984, the Soviets stepped up the policy of harsh reprisals against the civilian populace in militarily strategic regions and areas of greatest resistance. In April, the strategic Panjsher Valley was subjected to large-scale carpet bombing by high-altitude, Soviet-based bomber aircraft as a prelude to a largely Soviet military thrust with some 20,000 troops into a valley which once supported over 100,000 persons, but which is now virtually deserted. After occupying a portion of the valley, Soviet troops systematically destroyed cultivated fields and killed livestock. Kandahar was repeatedly bombed and strafed by Soviet jets and helicopter gunships through 1984; Herat and its surrounding villages were bombed repeatedly, as were dozens of other localities around the country.

In the countryside, it has become standard Soviet practice to bombard or even level whole villages suspected of harboring resistance fighters. Sometimes old men, women, and children are rounded up and shot. This devastation of towns and villages has forced many civilians to seek refuge in Kabul whose prewar population of less than 1 million has now swelled to nearly 2 million. More arrive with each new Soviet offensive.

In addition, well over 3 million Afghans have become external refugees because of regime/Soviet military action and their opposition to regime oppression. In large areas of the countryside where the mujahidin are in virtual control, wartime conditions and animosities among competing resistance groups have resulted in a further trampling of human rights. Multiple taxation, arbitrary detention, and banditry prevail intermittently in some areas. Prospects for an improvement of the human rights situation appear bleak.

After five years of warfare against the bulk of the country's population and following repeated calls for withdrawal by the U.N. General Assembly and regional organizations, the Soviets have shown no intention of withdrawing their soldiers, seeking a political settlement, or reducing their influence. Nor have the mujahidin and the Afghan people shown signs of any inclination to quit the struggle.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

Arbitrary killings and other acts of violence by Soviet troops continued to be reported throughout 1984. In May, Soviet soldiers in a jeep machine-gunned a group of Afghans waiting at a bus stop in Kabul, killing and wounding several bystanders. Reportedly, the Soviets had been drinking and were acting in retaliation for an attack on a Soviet vehicle in the same neighborhood. Travelers from Kandahar have grown increasingly fearful of the trip overland because of the possibility of Soviet air strikes against civilian buses on the Kandahar-Kabul highway. There have been numerous reports of similar individual, or mass, revenge killings of Afghan villagers by Soviet troops. As one example, a credible report described the August killing of 29 women, children, and elderly persons at a small village near Kama east of Jalalabad in revenge for a mujahidin attack on a Soviet outpost in the vicinity the day before.

Summary executions of captured mujahidin on the battlefield are common. In late October, Soviet officers reportedly ordered the execution of 450 mujahidin who surrendered when their ammunition ran out. Despite the fact that fighting against the Soviets and the regime is a daily occurrence throughout the country, there are no known prisoner-of-war camps for resistance fighters. Regime propaganda seldom mentions the capture of resistance fighters but makes frequent references to their "elimination." Reports continue to circulate that resistance forces have also killed captured Afghan and Soviet soldiers. Though some prisoners in Afghan jails have been killed, there is less direct evidence of such executions in 1984 than in past years. However, the general pattern remains: according to one report, 12 members of a single family were summarily executed in the Pul-e Charkhi Prison last year.

The Soviets continue to employ particularly cruel types of anti-personnel explosives in an effort to restrict the movement of resistance forces. Butterfly mines and other explosive devices disguised as household objects or toys have been strewn along trails and paths in the southwest and eastern regions of the country. Many Afghans assert that the relatively large number of leg and foot injuries seen on Kabul's streets and in Peshawar's hospitals result from such explosive devices.

Assassination by mujahidin of Afghan Communist party members, suspected police agents and informants, and Soviets in Afghan cities is a common occurrence. The resistance also has continued sporadic acts of urban terrorism. Several restaurants and bars frequented by the secret police have been bombed, as was Kabul's airport with heavy loss of life in August. Innocent bystanders have also been killed or injured. Random rocket or mortar attacks on Kabul (and other cities) by resistance forces have also resulted in loss of life.

Evidence indicates that Soviet and Afghan forces have used lethal chemical and toxin weapons. Reports of chemical and toxin agents used include mycotoxins (poisons derived from natural biological sources), nerve gases, incapacitants, blister agents, carbon monoxide, and nonlethal gases delivered by a variety of means. Although there have been no confirmed incidents since 1982, there were continuing reports in 1984 that chemical agents are still being used.

### b. Disappearance

Under the previous Communist regimes of Nur Mohammad Taraki and Hafizullah Amin, persons frequently disappeared and were never heard from again. Under the Babrak Karmal regime, families, as a rule, eventually find out when missing relatives have been swept up in the continuing dragnets for military conscripts or have been detained by the secret police, often without formal charges.

There continued to be reports of abductions of Khad members by the resistance. In almost all cases, those abducted are reported to have been murdered or detained for lengthy periods.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and physical intimidation remain among the main techniques used by the security services to extract information or confessions from detainees and to inflict punishment. Survivors of Afghan prisons continue to recount tales consistent with a generalized pattern of torture, involving electric shock, beatings, extraction of fingernails, and burning of genitalia.

One man reported having been arrested and held for three months after being shot in a cross-fire between DRA soldiers and resistance fighters. During his incarceration, he was repeatedly subjected to electric shocks in an effort to coerce a "confession." Another person arrested in Kandahar and held over two months on charges he had worked for foreigners before the "revolution" related that electric shock was commonly used on him and on other prisoners suspected of political crimes.

In another instance, in late October regime troops and Khad members reportedly dragged children from their homes and held them under water in an effort to extort information and confessions from their terrified parents during a series of house-to-house searches near Kabul.

All Afghan governments, including those prior to the 1978 Communist coup, have probably treated some prisoners brutally. Only since 1978, however, has the use of torture become widespread and systematic. This trend has been accompanied by increasing reports from former inmates, detainees, and prisoners of the presence of Soviet "advisers" at such interrogation sessions. While these advisers apparently do not actually take part in torture, they make no attempt to halt it and their presence strongly suggests Soviet approval. Credible reports also indicate that Soviet guards have replaced Afghans at Kabul's notorious Pul-e Charkhi Prison.

In its report Torture in the Eighties, Amnesty International noted that it had received reports of the torture and ill-treatment of people taken into custody by Afghan military personnel, and more especially by Khad, the secret police; that prisoners are alleged to have been subjected to beatings, deprivation of sleep, and electric shock torture; and that prisoners which it had interviewed, and other reports which it had received, indicate widespread torture in as many as eight Khad interrogation centers in Kabul.

### d. Arbitrary Arrest, Detention, or Exile

Afghans in areas controlled by the regime live in constant fear of arbitrary arrest or detention by the secret police. Even President Karmal has criticized his security forces for arbitrary abuses. Persons are often picked up for questioning on the word of Khad informants and are not told of the charges against them. Warrants are not used. Most political prisoners are charged with crimes such as treason, espionage, or terrorism. Formal charges are usually brought only after months of interrogation, if ever. In cases where the regime wishes to demonstrate to the public its effectiveness in apprehending its opponents (e.g., the August 31 Kabul airport bombing), the security organs can rapidly produce as many "suspects" as needed. In such instances, there is generally a publicly televised recantation followed often by a "public" show trial and swift execution. In other instances, unfortunate victims may be rounded up in house-to-house searches, imprisoned, and virtually forgotten by the authorities. Political crimes range from armed opposition to authorship or distribution of leaflets against the regime or the Soviet occupation, but the definition may be tailored to fit any opponent of the regime.

Bail is not a feature of Afghan law. However, in cases of common crimes involving wealthy persons or persons with good connections with the regime, bail is sometimes granted. Corruption is widespread and it is possible for the families of those detained for common crimes to have them released after bribes are paid to secret police agents or members of the regime.

Afghan regime sweeps for army conscripts and illegal retention of soldiers beyond their term of service also regularly occur and constitute detention on arbitrary grounds. As a result of recruiting problems and the high rate of desertions, in 1983 the regime began to retain reservists beyond their legal release date. Revised draft laws further reduced exemptions and led to the recall of others who had completed their military service. The regime continued to use house-to-house searches and press gangs in the bazaars and markets of the major cities to obtain conscripts, often seizing those with no legal liability to service.

In areas not controlled by the regime, Soviet or Afghan soldiers or suspected secret police agents are dealt with in various ways. Suspected Khad agents are either killed or detained after an informal mujahidin inquiry. Regime soldiers are often considered fellow Muslims and are instructed to return to their villages. Soviet soldiers are sometimes killed out of hand. In many cases, such as in the Panjsher Valley, they are kept under detention, while others have been transported to safekeeping across the border. Prisoners held by the mujahidin reportedly face harsh conditions. However, the ratio of known Soviet soldiers in captivity to the number of Soviets reportedly captured appears low, suggesting that many Soviets are summarily executed. Under a 1982 agreement, the mujahidin have delivered to the International Committee of the Red Cross 11 Soviet prisoners-of-war to serve a 2 year internment in Switzerland before repatriation to the U.S.S.R. As of December 31, seven had been released, one had escaped, and three remained interned.

### e. Denial of Fair Public Trial

All courts, whether civil, military, "revolutionary" or security, are controlled by the Peoples' Democratic Party of Afghanistan, and laws governing their organization and jurisdiction set out as the first priority the safeguarding of the gains of the "revolution." One consequence is that plaintiffs may be denied judicial process because of charges regarding their political beliefs or social position. Most of those accused of non-political offenses are apparently tried in the civil court system under the norms of pre-Communist judicial codes. However, political prisoners are often imprisoned for months without trial or formal proceedings and are tried and sentenced in secret with Khad playing the major role. They are not allowed lawyers and seldom are able to question hostile witnesses. On the rare occasions when foreigners are accused of political crimes, they are denied defense counsel of their own choice and are not allowed to question regime witnesses, whose testimony is invariably accepted as fact by the court.

During 1984, the regime continued to stage public "show trials" of political opponents. It was clear well before the "trials" that guilt and sentencing were foregone conclusions. Press accounts repeatedly used formulations such as "the suspects will be tried and sentenced," indicating the sham nature of the "trials." In most cases, the penalty was death, although occasionally (for example, in the case of one young man allegedly involved in the August Kabul airport bombing) lengthy prison sentences were substituted. Death penalties generally are carried out quickly after only a pro forma review without appeal by the ruling revolutionary council.

In areas not controlled by the regime, civil and criminal cases are apparently tried by Islamic "qazis" (judges) under traditional Shari'a law and Afghan custom. The imposition of such sentences as death, stoning, or mutilation is reportedly rare. There are also some mujahidin courts for trying Soviet and regime soldiers or suspected regime agents. Little is known of these bodies, although they are believed to be based on Islamic jurisprudence.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Afghan regime and the Soviet occupation forces do not recognize the right to an undisturbed private sphere of activity. This fundamental political axiom is reinforced by wartime conditions. In the cities and during operations against villages, areas are frequently cordoned off and subjected to house-to-house searches for military conscripts, mujahidin fighters, and weapons. Members of the secret police commonly accompany the military and read book titles and correspondence for evidence of unorthodox opinion or connections. House-to-house searches in Kabul are often conducted in the early morning before daybreak.

Rights to privacy and freedom from arbitrary interference vary widely in areas controlled by local mujahidin leaders and are no doubt influenced by military needs. The Afghan resistance has generally tried not to antagonize the civilian population by arbitrary demands for shelter or supplies, but there are always exceptions, and growing suspicion caused by the increased use of informers and agents can only compound an already difficult situation.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

There is no freedom of speech or press in those areas within reach of the regime. All media are owned and controlled by the regime and tightly supervised by Soviet officials. The press, radio, and television are used solely to convey regime policy and the Soviet interpretation of world events. Soviet films and entertainment programs are frequently featured on

Afghan television to reinforce that interpretation. Since mid-1982, the regime has forbidden the unlicensed import and sale of foreign video and audio tapes, magazines, books, posters, and other publications. The great majority of new books on sale in Kabul, irrespective of language, are published in the U.S.S.R. Afghans are guarded in their private conversations, even among friends or colleagues, lest anti-regime or anti-Soviet remarks be reported to the secret police. Western radio broadcasts in the local languages are regularly jammed although some programs do get through to Afghan listeners and constitute one of their main sources of information. The regime has hampered the efforts of non-Communist news media to cover the war inside Afghanistan and has imprisoned or expelled foreign correspondents captured while accompanying the mujahidin. Soviet and regime spokesmen have threatened any further foreign journalists with capture or death.

### b. Freedom of Peaceful Assembly and Association

There is no freedom of peaceful assembly or association in those areas controlled by the regime; the regime only permits assemblies which are regime-sponsored and orchestrated. The regime frequently stages "spontaneous" meetings in the capital and provinces to create the impression of popular support. Demonstrations at Western embassies similarly can be arranged on demand. All organizations are tightly controlled by the regime. Trade associations and unions of workers and of peasants are closely modeled after those in the U.S.S.R. and serve as vehicles for the further politicization, and Sovietization, of Afghan society. Religious organizations are similarly supervised and monitored.

Employees have been threatened with loss of jobs or imprisonment if they refuse to join party organizations. In some cases, families are warned that their children will be forced out of school if they do not join one of the youth organizations. This campaign to restrict and channel political and social activities has led to a further exodus by Afghanistan's already shrunken upper and middle classes.

### c. Freedom of Religion

Afghanistan has for centuries been an overwhelmingly Islamic (Sunni) nation, though small Hindu, Sikh, and Jewish enclaves of foreign origin have traditionally been tolerated. The former Communist regimes of Taraki and Amin were militantly secularist. As this orientation was a major factor in the armed resistance to these regimes' authority, the Babrak Karmal regime makes a great show of dedication to Islamic principles; the media portray regime figures as defenders of the faith and the resistance as destroyers of mosques; major regime policies are immediately given the imprimatur of the regime-controlled Council of Religious Figures. In areas under its control, the regime selects, censors, and pays the mullahs for individual mosques. Such clerics are considered to be secret police agents by many Afghans and have been frequent targets for assassination by the resistance. Despite such propaganda, the vast majority of the religious leadership and the people of Afghanistan consider the regime and its sponsors to be anathema, totally contrary to the tenets of Islam.

Conditions pertaining to freedom of religion vary widely in areas under mujahidin control. In those parts of Afghanistan under fundamentalist leadership there tends to be greater Islamic orthodoxy, while for regions under moderate leadership greater diversity is allowed.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Domestic travel has been severely curtailed by the war. Overland movement has become more difficult because of physical damage to roadbeds and destruction of bridges. Surface travelers also risk being caught in fights between mujahidin and Soviet forces. The civilian traveler is faced with frequent checkpoints or roadblocks by Soviets, regime forces, mujahidin, and, in some cases, bandits. Tolls are often extracted. Regime officials ordinarily travel by air, since they risk being identified and killed by the mujahidin. Air travel has become more dangerous because of occasional resistance attacks on aircraft and airports. Such an attack occurred in September 1984, when a projectile fired by a mujahidin group hit an Ariana Afghan Airlines DC-10 about 20 kilometers from Kabul.

The regime severely curtails foreign travel by Afghans under its control. Permission for travel to the West by professionals is routinely denied out of fear they will not return. Some businessmen can still obtain passports, but many Afghans are forced to pay bribes of $1,000 or more for a passport. Bank accounts and real estate are often asked as surety for return, and the regime seizes the property of persons absent from Afghanistan for more than a year. Passports are generally limited to one trip only and are seized at the airport upon return. Afghan pilgrims to Mecca are carefully screened and are issued documents valid only for Saudi Arabia in an effort to assure return to Afghanistan.

While legal emigration is virtually impossible, large numbers continue to leave clandestinely to seek refuge abroad. The regime has seized entire families who presented insufficient justification for traveling on routes commonly used to leave the country surreptitiously. Most estimates place the number who have fled the country at over 3 million. The regime has often asserted that exiles are welcome to return without penalty; however, most expatriate Afghans remain deeply suspicious of the regime's intentions and have not returned.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Since the Soviet invasion, a repressive one-party state ruled by the People's Democratic Party of Afghanistan has given way to a totalitarian apparatus directly controlled by the Soviet Union. In fact, however, the regime and Soviets exert control over only a few major cities; in many cities, such as Herat and Kandahar, this control is limited and is challenged frequently by armed resistance attacks. Most of the countryside is, for practical purposes, not under regime control. Soviet military and civilian advisers sit in almost all ministries and make or approve every significant decision. The party itself is modeled along Soviet lines and is headed by a 12-member politburo. The party is torn by feuding between its Parcham and Khalq factions. The less numerous Parcham faction, presently favored by Moscow, retains control of the party apparatus. Political assassinations in Kabul are often suspected to be the work of rival factions rather than of the mujahidin. Regime figures put party membership at 120,000 (including candidate members) although active membership is much lower. Membership in the People's Democratic Party of Afghanistan, the only legal political party, is a prerequisite for meaningful participation in public affairs and professional advancement in many fields. There has been no legislature or election since the 1978 Communist coup, and the regime rules by edict.

Local mujahidin groups control political, judicial, and educational activities in roughly three-quarters of the country. In some areas, resistance leaders are traditional local leaders, in others younger military organizers. Since this leadership is in defiance of the formal government apparatus, the authority of such leaders necessarily depends on some form of informal popular consent, often approval by the traditional local "jirga" or council.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

No international non-governmental organizations are permitted to operate in Afghanistan. The International Committee of the Red Cross has not been allowed in Kabul since 1982.

In its 1984 report, Amnesty International expressed concern about the imprisonment of prisoners of conscience, detention of political prisoners without charge or trial, torture and ill-treatment of detainees, the use of the death penalty, reported extrajudicial executions, and the fact that the few trials of political prisoners it had learned of appeared to fall far short of international standards. Freedom House calls Afghanistan "not free."

In December the Helsinki Watch, a group founded to promote compliance with the human rights provisions of the 1975 Helsinki agreement, issued a 212-page report on human rights violations in Afghanistan since the Soviet intervention in 1979. The report states that it soon became clear from interviews with Afghan refugees that "just about every conceivable human rights violation is occurring in Afghanistan and on an enormous scale."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Although there are no reliable current demographic statistics, standards of nutrition and health care have clearly declined since the 1978 Communist coup and the 1979 Soviet invasion, especially outside the major cities. The war has disrupted the international marketing system, caused the devaluation of the currency, and interrupted the movement of surplus agricultural products from one region to another. The Soviets have destroyed crops and livestock in certain regions such as the Shomali north of Kabul, the Logar Valley, and the Panjsher Valley. The result has been the creation of areas with inadequate food supplies and occasional pockets of severe food shortages. Food imported from the U.S.S.R. is distributed chiefly in the few cities under regime control.

## AFGHANISTAN

According to World Bank statistics, the population of 14,448,000 is growing at an annual rate of 2.4 percent. Given the large number of casualties among the civilian population, life expectancy has declined to 37 years and the infant mortality rate is 181.6 per 1,000 live births. Although rural health delivery services have never been adequate, at present they are nonexistent except for folk medicine, a limited number of Afghan paramedics who are usually only semiskilled and serve in mujahidin-controlled areas, and those services provided by foreign doctors who have entered the country clandestinely. Medical services provided in urban areas under regime control are also inadequate because of the influx of rural people driven from their villages by military action, war-related casualties, an overall shortage of doctors and qualified staff, and a severe lack of medicines, equipment, and even sheets and beds.

The war also has had a drastic impact on education. Most rural schools were destroyed by the resistance when the regime attempted to turn them into political indoctrination centers. Many others have been closed because of the danger to regime teachers. Formal education even in major cities, such as Kandahar, has been brought to a virtual standstill as a result of daily fire fights. In most rural areas, education seems to be in the hands of traditional Islamic teachers. The regime's inability to maintain the strength of its armed forces has led to the drafting of boys as young as 15 (16 is the official age limit), and attendance at Kabul University has been limited to women, party members, and men who have completed military service. In secure urban areas, schools for girls and boys are functioning, with curricula reoriented to conform to the Soviet model. The regime has initiated a literacy program in the military forces using ideological tracts as texts.

Each year several thousand young Afghans are sent to the Soviet Union for training heavily geared to political indoctrination. In 1984, at least 3,000 young teenagers were sent to various Soviet Central Asian republics for "summer vacation." And over 300 children between 7 and 10 years old were reported by Afghan medics to have been sent to the U.S.S.R. for over 10 years total education.

Though party members, secret police, regime figures, and some merchants may have been enriched by the war, most Afghans have suffered economically. Except for regime-subsidized wheat products, the cost of many food items and housing has risen faster than personal income. Heating fuel costs have become exorbitant. Although electricity is relatively inexpensive, it is frequently unavailable in the winter. Because of severe fuel shortages followed by wartime destruction of power lines into Kabul, electricity during 1984 was generally unavailable between August and November. Difficulties with surface travel and repeated bombings of formerly rich agricultural and pastoral areas such as the Shomali and the Northern Steppe have led to a decrease in traditional Afghan cash crops and exports such as grapes, dried fruit, and karakul lambskins. Production of traditional handcraft items for export, such as carpets, has also been severely impeded by the war, and the once thriving tourism industry has completely vanished.

Participation of Afghan women in activities beyond home and field is severely limited by traditional beliefs, customs, and religious practices. In areas of intense fighting and mujahidin control, the role of women remains much as it tradionally has been. Since the Soviet installation of the Babrak Karmal regime, the social position of individual women has tended to improve in Kabul and other cities controlled by the regime. Access to education by younger women has increased and the media have put much emphasis on literacy courses for females. In an attempt to attract more women to the regime's banner and to fill the gap caused by males in the army or fighting for the resistance, women have been placed in a number of non-traditional professions such as radio and television, banking, and the civil service. Few women, however, aside from one politburo member, have anything approaching a decisionmaking position. The vast majority of women under regime control have seen no improvement in their social position or status.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
## (U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: AFGHANISTAN

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.AID .................. | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.0 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 7.3 | 0.8 | 0.0 | 441.4 |
| IBRD | 0.0 | 0.0 | 0.0 | 0.0 |
| IFC | 0.0 | 0.0 | 0.0 | 0.3 |
| IDA | 0.0 | 0.0 | 0.0 | 226.6 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 95.1 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 7.3 | 0.8 | 0.0 | 83.7 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 35.7 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

# ALGERIA

According to its Constitution, Algeria is a Socialist, Islamic state in which ultimate power is vested in a single political party, the Front de Liberation Nationale. Chadli Bendjedid monopolizes key positions as Secretary General of the party, President of the Republic, and Minister of Defense. Nonetheless, most important decisions are taken by consensus involving the military, government, and party elites.

These elites are bound together by the common experience of a harsh struggle for independence. A sense of "revolutionary, anti-colonial mission" is basic to their self-perception of what Algeria is and ought to be. Importantly, this revolutionary consensus is the principal source of popular legitimacy for the Government of a nation which has little else to draw on in creating a spirit of national cohesion.

Urban police and the rural-oriented gendarmerie generally adhere to constitutional guarantees against arbitrary arrest and imprisonment. Military security forces in practice are given greater leeway, although there are no documented cases of abuse.

Although equal before the law, women are restricted in the enjoyment of their freedoms by tradition. The status of women is slowly improving through greater education and increased participation in public life, but the great majority of women remain in traditional roles.

Tensions over cultural rights for Berbers, who constitute from one-quarter to one-third of the population, are being reduced by government efforts to accommodate Berber needs.

The economy is Socialist and largely under state control. The private sector is, however, increasingly recognized as a valuable participant. The development of extensive hydrocarbon resources allowed Algeria to undertake ambitious industrialization programs in the past two decades. The next Five-Year Plan (1985-89) will continue to emphasize revitalizing agriculture, creating employment, and building housing and schools. Major problem areas include underemployment, lack of productivity, and gaps in the supply and distribution system.

Although the Constitution contains human rights guarantees, civil liberties remain restricted and political rights in particular are circumscribed by the party and the Government, which limit electoral choices and restrict public debate to officially sanctioned forums. On balance, however, the trend has continued to be favorable, including the May amnesty of 90 political prisoners and reduced tensions with the Berber minority.

## RESPECT FOR HUMAN RIGHTS

## Section 1 Respect for the Integrity of the Person, Including Freedom from:

### a. Political Killing

There were no politically motivated killings in 1984.

### b. Disappearance

Abductions, secret arrests, and clandestine detention are neither condoned nor practiced. There were no accusations of such practices in 1984.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture. Nevertheless, Amnesty International has reported receiving unconfirmed reports of torture or ill-treatment in Algerian prisons.

Prison conditions are said to range from primitive to modern. In the primary civil prison in Algiers, prisoners are often crowded and sanitary conditions are poor. Better conditions are found in some smaller outlying prisons. All prisons have medical facilities, and each prison has a contract with a local doctor who visits the prison regularly to treat ill prisoners. Prisoners who are seriously ill may be transferred to local hospitals. Prison diet is often inadequate; prisoners' families may provide much of their food. Families are allowed to visit prisoners and in some cases, at the discretion of local prison authorities, conjugal visits are permitted. Prisoners convicted of civil crimes are quartered apart from those convicted of crimes such as terrorism. The treatment, however, is generally similar.

Lawyers are allowed regular access to their clients. Meetings take place under visual supervision of a guard.

### d. Arbitrary Arrest, Detention, or Exile

The Constitution states that no one may be prosecuted, arrested, or held except as provided by law. It also provides that detention for questioning in criminal investigation cases cannot exceed 48 hours, after which the suspect must be charged or released. The penal code provides for informing detainees immediately of charges against them.

Though theoretically bound by the same provisions as the police, Military Security in fact operates under fewer restrictions and is said to hold suspects up to a month before releasing or charging them. Military Security is authorized to investigate not only military offenses, but also cases involving internal security and foreign intelligence collection. In cases that involve subversion, Military Security may also investigate civil crimes.

Once charged, an individual may be held under preventive detention while his case is investigated. This detention can last many months: 23 Islamic fundamentalist leaders arrested in December 1982 were not brought to trial until September 1984.

### e. Denial of Fair Public Trial

Defendants have free access to counsel and there is no harassment of defense counsel. As far as is known, defendants are made fully aware of the charges against them at the time they are bound over for trial. Trials are public, and defendants have the right of appeal. The judicial system is divided into three parts: civil courts, military courts, and the State Security Court. The civil courts are generally independent of executive or military control. Military courts deal directly with espionage and with offenses committed by military personnel, such as absence without leave and theft. The State Security Court at Medea is not in permanent session, but has jurisdiction over cases that are deemed "to endanger the national security." At least a ministerial-level decision is required to refer a case to the State Security Court. It generally provides procedural protections similar to those of civilian courts.

The Administrative Court for Financial Accountability was active in early 1984, convicting numerous middle-grade officials of financial corruption but was generally quiescent in late 1984. Procedural protections similar to those of civilian courts are provided.

All political prisoners arrested prior to February 1979 have been released since President Bendjedid took office. The Algerian Government also granted amnesty on May 13, 1984 to 90 political prisoners, some of whom had been held without trial for 2 years. Reported among those released were 10 former ministers of the Ben Bella Government, 30-45 Islamic fundamentalists, 3 feminist leaders, a group of Trotskyite students, some alleged illegal arms smugglers, a prominent attorney and a medical doctor. There were also numerous political bureau meetings between August and October to consider amnesty for those Algerians (many of whom apparently fled Algeria) who may have committed "political crimes" during the preindependence revolutionary period.

The 23 fundamentalist leaders arrested at the end of 1982 were tried publicly in September 1984 and, after a hearing of five days, were found guilty of civil crimes committed in 1982. The sentences, ranging from 20 months to 8 years imprisonment, were far more lenient than those requested by the State.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.

Membership in political organizations is not required, except for senior government and military officials who must be members of the party. Otherwise the Government does not interfere with the private lives of Algerians.

Inviolability of the home is guaranteed by the Constitution and generally is honored in practice except in some cases involving military security. Police may not enter a house without a warrant from the local prosecutor or investigating magistrate, nor may they enter a residence during night hours.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Although the Constitution guarantees freedom of expression, it also states that such freedom may not be used to "undermine the foundations of the Socialist revolution." The print media are published either by the Government or the party. Journalists are government employees. The distribution of foreign newspapers and magazines is also controlled, though such publications are available. The French-language weekly Jeune Afrique is proscribed, and the French-language daily Le Monde is occasionally seized. The Government does not permit criticism of its authority. However, criticism of specific programs and policies and the performance of government offices and state enterprises is allowed and even encouraged.

b. Freedom of Peaceful Assembly and Association

There is only one legal political party and one inclusive labor union, the General Union of Algerian Workers. These and other "mass organizations" for youth, women, farmers, and veterans, all tightly controlled by the party, are the primary recognized associations. Security personnel watch public gatherings closely. Limited political opposition, such as occasional student demonstrations, is tolerated. There were no significant political demonstrations in 1984. Opposition political tracts are sometimes circulated, almost certainly with official knowledge. Strikes are illegal in the public sector, but workers have successfully used strikes, without the sanction of the national union, to win more pay and benefits.

c. Freedom of Religion

Legally an Islamic state, Algeria protects the rights of the very small Christian and Jewish minorities. There is little evidence of individual prejudice. Christian churches and Jewish synagogues exist and are permitted to observe their rites. There are no formal restrictions on missionary activity, but in general the Christian clergy directs its activities to the Christian expatriate community.

The Islamic "clergy" is government-trained. Friday sermons are not formally censored, but government monitoring constrains the clergy's freedom of expression. Religious travel such as the Hajj (the Islamic pilgrimage to Mecca) is government-organized. There were no overt manifestations of Islamic dissidence in 1984, although the funeral of a prominent fundamentalist leader in Algiers in April drew a significant gathering on short notice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom to travel within Algeria and abroad and to emigrate is guaranteed by law and generally is respected in practice. One of the first acts of the Bendjedid Government was to remove the exit visa requirement. However, government permission is still necessary to travel to Morocco. There is also an unannounced restriction on travel to Spain growing out of a gas dispute with that country. Passports may sometimes take months to acquire but this is improving. The amount of hard currency which Algerians may carry abroad remains the primary limitation on foreign travel.

The Algerian and French governments have agreed on a series of measures, such as special benefits, to encourage some of the nearly 1 million Algerian workers in France to return voluntarily to Algeria.

Except for foreign diplomats, who must apply for permission to travel farther than 50 kilometers from Algiers, travel within Algeria is generally unrestricted. Visitors must fill out police registration forms if they are staying overnight in a locality. The gendarmerie routinely sets up vehicular checkpoints in the countryside.

The Constitution provides for the right of political asylum. According to estimates of international experts, there may be as many as 160,000 to 165,000 refugees in camps near Tindouf in southwest Algeria. Most of them are said to be from the

Western Sahara. Algeria also admitted between one and two thousand Palestinians from Lebanon in 1983, many of whom have since departed. There also are several thousand refugees of the Sahel drought, mostly from Mali and Niger. The Government contributes to the support of all of the Saharan and Sahelian refugees, as does the United Nations High Commissioner for Refugees.

The Government hosts various foreign opposition and dissident groups, such as the Polisario and Palestinian Liberation Organization. Many of their representatives are located in Algiers.

### Section 3 Respect for Political Rights: The Rights of Citizens to Change Their Government

Major political decisions are made by the top leadership of the party, government, and military, all three headed by President Bendjedid. The political process is confined to the single party, which significantly limits deviation from the path prescribed by ruling authorities. While fundamental policy decisions are not questioned, there is considerable airing of popular aspirations and grievances within the party organization, the National Popular Assembly, the provincial and local councils, and in the government-controlled press. The Assembly also has legislative functions. There is universal adult suffrage. All candidates for office are nominated by the party, though voters usually have a choice among several candidates. Freedom House says that elections are managed by the party.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

There was a visit by a French human rights organization in April 1984. There are no internal human rights organizations. Algeria supports human rights initiatives in U.N. and regional forums, but usually does not take the lead.

In its 1984 Report, Amnesty International expressed concern about the long-term detention without trial of individuals on political grounds, prolonged incommunicado detention, and reports of ill-treatment of detainees. Freedom House calls Algeria "not free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The Algerian economy is largely Socialist, with the main economic sectors run by state enterprises; however, recognizing that private enterprise has an important contribution to make, the December 1981 Party Congress officially endorsed a larger role for the private sector. At present, about half of the arable land remains with independent herders and farmers, most retail businesses and service firms are privately owned, and there are several thousand small private industrial firms in operation.

An estimated 3.1 percent annual population increase and a fertility rate of 7.4 (1982) make it difficult to meet all nutritional and social needs and to provide full employment, but minimum vital needs are being met. Housing is in extremely short supply. About 16.6 percent of the active working population was unemployed in 1982, the latest year for which figures are available. A 1977 estimate put the urban population living below the absolute poverty level at 20 percent.

Per capita gross national product (GNP) was estimated at $2,085 in 1983. About 60 percent of GNP is consumed while 40 percent is invested. This rate of investment is high, reflecting a conscious government policy. The rate of real growth in 1983 was estimated at 12 percent.

The Government controls most food supplies, although the private sector is increasingly important. One-third of the nation's food must be imported because of inefficient agriculture. While food supplies are adequate, the cost is high and supply irregular.

Most health care is rudimentary, but free and widely available. Life expectancy was 57 years in 1984, compared with 47 in 1960. Infant mortality was 106 per 1,000 live births in 1984. While most of the population was considered to have access to safe water, water-borne diseases remain a serious problem, especially for young children.

Education is free through the university level and is compulsory between the ages of 6 and 13. Educational facilities have been vastly expanded since independence, but are still insufficient in both rural and urban areas. The literacy level in Arabic, French, or both is approximately 40 percent of the population over 9 years of age, but is steadily increasing as the large majority of children now attend school.

The total Berber population has been estimated at between one-quarter and one-third of Algeria's 21 million inhabitants. In the last few years there have been demonstrations by Berbers, sometimes leading to violent clashes over cultural rights. The Government has shown more concern in recent years for reconciling its policy of developing the identity of Algeria as an Arab nation with Berber desires to preserve their own culture and language, while retaining French as a language of work and education. Concessions have been made, including the introduction of Berber as an academic subject in the major universities. Moreover, Berber regions have received extra attention in government programs to build schools, housing, and municipal infrastructure. Although Berber particularism remains an area of concern, no major confrontations were reported in 1984.

The status of women is improving, but tradition and culture make it difficult for women to follow an independent path. The great majority of women remain in traditional roles, although their participation in public life is growing. Ten women have been elected to the Popular National Assembly, two are members of the Central Committee of the party, and several women have been elected to the Council of the National Committee of the party. Women also serve in the armed forces.

An effort has been made to close the gap separating women from men in education. According to government statistics, 62 percent of all school-age girls were enrolled in 1980 compared with 39 percent in 1965. In 1979, about 40 percent of all students were female. A new family code was formally approved in 1984. Among its principal components is encouragement of "birth spacing."

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS (U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: ALGERIA

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.AID ................. | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.0 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| OTHER US LOANS.......... | 0.0 | 30.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 30.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 10.5 | 0.8 | 418.4 | 1751.8 |
| IBRD | 0.0 | 0.0 | 418.0 | 1619.0 |
| IFC | 0.0 | 0.0 | 0.0 | 0.0 |
| IDA | 0.0 | 0.0 | 0.0 | 0.0 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 13.4 |
| UNDP | 0.5 | 0.8 | 0.0 | 56.1 |
| OTHER-UN | 0.0 | 0.0 | 0.4 | 8.0 |
| EEC | 10.0 | 0.0 | 0.0 | 55.3 |

# BAHRAIN

Bahrain has been ruled since the late 18th century by the Al-Khalifa family, which dominates society and government. Bahrain's Constitution lays out a separation of powers between the Prime Minister, the National Assembly, and the courts. Political rights (including the right of election) and other human rights are enshrined as ideals, but there is no judicial check on the authorities. The provision confirming the Amir as hereditary ruler ratifies the continued supremacy of the Al-Khalifa family. The National Assembly was suspended in 1975, and has not been reconvened.

Bahrain's leadership has been torn between two aims. It desires to foster the open social and commercial environment needed to attract international business, but it also wants to protect the ruling family's preeminence, prevent potential sectarian violence, and thwart efforts by Iran and other revolutionary states to destabilize Bahrain. Bahrainis are divided between Shi'a and Sunni Muslim religious communities. Although about two-thirds of the native population is Shi'a and the remaining one-third, as well as the ruling family, Sunni, the Sunnis overshadow the Shi'a in wealth and influence. Most Bahrainis are Arab, but a significant minority are of Iranian origin. While extreme poverty is rare and the Government makes great efforts to assure employment, the Shi'a and Bahrainis of Iranian origin are disadvantaged as groups with respect to Sunnis and to those with Arab ties going back many generations. This economic disparity has given the Iranian revolution potential appeal with these groups and encouraged Iran to support anti-regime activities. An Iranian-sponsored coup attempt in December 1981 caused the Government to implement extraordinary security measures, but these measures have become less stringent as the Government has regained its confidence. However, there is no perceptible movement toward reconvening the National Assembly, although many sectors of Bahraini society see this as an important step.

In 1984, the trend toward a generally less repressive atmosphere has continued. However, there have been a few arrests of persons for political activities, principally in connection with the Islamic Enlightenment Society. Alleging that it had been used as a base for anti-regime activity, the Government closed the Society in February, thus shutting off a principal vehicle for Shi'ite religious expression. In early 1984, the Government expelled two foreign journalists based in Bahrain for their reporting on events in Kuwait. Joint worker/management committees continued to function in 1984 but had little scope for free representation of worker interests and won little credibility.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

There were no known instances of political killing in 1984.

#### b. Disappearance

Some persons detained by the security forces for investigation of suspected illegal political activity have not been immediately accounted for. Periods of incommunicado detention can be lengthy, but relatives are usually able to find out if and where the detainee is being held. There are no reports of permanent disappearance at the hands of the security forces.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Physical abuse is common during arrest and interrogation, but rarely occurs after interrogation. It is not known what happens during detention in security prisons (where questioning may continue after sentencing) since visits by non-government persons are not allowed. Medical examinations by non-prison doctors have also been denied. Policemen sometimes beat a suspect as a matter of course after stopping him for questioning or arrest, whether or not the subject has offered resistance. The evidence is insufficient to confirm whether this practice is pursuant to systematic policy or merely indicative of inadequate discipline among the police. The Government relies on hiring foreigners, usually Pakistanis, Yemenis, and Arabian Peninsula Bedouins, for most positions in the security forces. The gratuitous nature of reported cases of physical abuse by the police suggests that they result primarily from poor training and discipline in the police force, exacerbated by the lack of empathy between foreign policemen and native Bahrainis.

### d. Arbitrary Arrest, Detention, or Exile

Participation in political activities outside the narrow confines tolerated by the regime is carefully scrutinized by the police, and political activists are often detained for questioning. Periods of detention for anti-regime political activity are usually short, although detention for periods of one or two months without formal charges is not unknown. There are between 15 and 20 persons currently being detained indefinitely without trial for political activities. Activities of a political nature which can bring arrest include membership or suspected membership in "subversive organizations," expression of extreme anti-regime opinion in a public setting, or engaging in public acts of defiance against the regime. Examples of acts that would lead to arrest also include painting slogans on walls, joining demonstrations against public authority, possessing or circulating anti-regime propaganda, or harboring persons committing such acts. While some persons have been tried for attempting to form political and labor organizations, the Government customarily does not put persons charged with such offenses on trial and approximately 80 to 100 persons are now being held in this category. Of the approximately 20 persons arrested in connection with the closing of the Islamic Enlightenment Society, a few have been tried for holding arms caches, but the rest are still being held without trial. There is no right of habeas corpus.

Although exile is banned by the Constitution, the Government has in recent years summarily expelled Bahraini residents of Iranian origin, some of whom were from families that had lived in Bahrain for generations. While these expulsions reached high numbers after the 1981 coup plot, fewer Bahrainis have been exiled in 1983 and 1984. It is believed that expulsions numbered between 10 and 20 in 1984.

### e. Denial of Fair Public Trial

Shari'a courts in Bahrain confine themselves to questions of family law and inheritance. A person arrested may be tried in either a civil court or a security court. The two are very different. Civil trials provide procedural guarantees including open trial, right to counsel (including legal aid for indigents), and right to appeal. Security courts, where the 73 accused of plotting the 1981 coup attempt were tried, lack the rights to a public trial and appeal. Amnesty International expressed concern that the right to counsel also was impaired by not allowing the defense counsels adequate opportunity to prepare their cases or to cross-examine prosecution witnesses. Sentences imposed by the security court can be referred to the Amir for clemency, a procedure not customarily allowed in civil court cases.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Authorization for entry of private premises must come from senior levels in the Ministry of Interior, but there appears to be no judicial oversight. International telephone calls are routinely monitored, and the police commonly open mail. Bahrainis, particularly among lower economic classes and groups with political leanings toward the Iranian revolution or leftist causes, fear police informer networks and this undoubtedly inhibits their political expression. Political ideas associated with Western democracy are generally not as vigorously controlled as radical Islamic and Marxist ideas, but democratic ideas are also not as vigorously advanced by their proponents. Members of the privileged classes openly discuss ways to broaden political participation in an evolutionary fashion.

While Islam is the religion of virtually all Bahrainis and has official status, the Government permits a considerable degree of social freedom. The restrictions that do exist are based on custom and social pressure.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Bahrainis are free to express political views informally, but any attempt to give them wider circulation in the media is subject to regulation. Criticism of the Government's performance in some areas--such as the adequacy of municipal services, the need to move Bahrainis into jobs held by skilled foreign workers, or better ways to encourage economic development--is tolerated and commonly seen in the press. Criticism of the Amir, attempts to mobilize the public into unauthorized political associations, and subject matter deemed pornographic or un-Islamic are all prohibited.

The Ministry of Information exercises wide powers over the local media and the press generally follows official policy closely. Minor deviations in recent years have brought closure of the offending newspapers. There have been no closures since 1980, primarily because editors fully understand the rules and abide by them. Several international agencies and publications use Manama as a base for operations in the Gulf. In early 1984, the Government deviated from its tolerant policy toward the foreign press by expelling two journalists whose reporting on Kuwait offended the Government of that country.

All radio and television stations are state-owned. Newspapers are privately owned. The editor of the largest paper is a former Information Ministry official, and his publication is regarded as semiofficial.

b. Freedom of Peaceful Assembly and Association

Public political demonstrations are prohibited in Bahrain. While the Constitution recognizes the right of workers to organize, trade unions are illegal. However, the Government has encouraged the formation of elected workers' committees in several major companies.

Committee representatives are empowered to bargain with management over wages and working conditions. The Ministry of Labor and Social Affairs acts as arbiter if no agreement is reached. Fifteen percent of the work force is now represented by these committees, which in turn choose members of a national committee. This body represents Bahrain in international labor organizations. Expatriate workers (about 60 percent of the work force) may vote and stand for election on local committees but may not serve at the national level.

The worker/management committees fostered by the Government are not independent trade unions and are unlikely to evolve in that direction. The scope of action permitted the joint committees in individual companies is limited to consultation and advice and, since they have equal worker and management representation, there is no opportunity to set forth a uniquely worker point of view. Operating under the shadow of the Government, the National Committee has not manifested an identity nor established a leadership position in the labor sector. Ground rules of the December 1984 elections for the joint committees have not been announced, but it is not expected that any greater degree of freedom will be allowed than in 1982, when the Government vetted lists of candidates and removed names of politically suspect persons.

A number of professional organizations exist that cover various groups in Bahrain, such as lawyers, physicians, engineers, and businessmen. There has been some discussion of permitting the establishment of a teachers' association. There are also a number of social and sports clubs that have traditionally been significant institutions for political action and discussion. These organizations are generally small and limited in scope and the Government monitors their activities closely to assure that they do not stray from a narrow attention to sectoral concerns.

c. Freedom of Religion

Islam is the official religion. A variety of Islamic and Christian sects maintain places of worship and freely practice their religion in Bahrain. Several Christian churches are long established, serving large foreign communities. The Government allows them to conduct active programs benefiting their own communities and society at large. The teaching of non-Islamic religions outside the confines of recognized religious establishments is not permitted. Bahrainis may convert from one religion to another, but attempts to convert Muslims to other faiths is traditionally resisted by Muslim society.

Membership in the Sunni sect generally confers a more favored status on Bahraini nationals and on Muslim non-Bahrainis; Sunnis are given preference for employment that involves national security interests. There are Shi'a religious societies which promote the study of Islam and serve as social and sports clubs. The largest of these, with about 1,600 members, was the recently banned Islamic Enlightenment Society. Members of the Shi'a sect have been subjected to job discrimination, and the numerous and active Shi'a religious establishments are subjected to close vigilance by the security forces. Public religious demonstrations, particularly marches by members of the Shi'a community, are closely monitored by the police.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Bahrainis are free to move within the country, to travel abroad, and to emigrate. Shi'a Bahrainis are permitted to make pilgrimages to Shi'a holy sites in Iran, although their numbers are carefully controlled because of fears of subversion of Shi'a pilgrims by Iranian intelligence authorities. Refugees are not repatriated to countries they have fled, but they are obliged to depart Bahrain immediately.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

There are no elections for government positions. The average Bahraini is able to influence the political process only by means of informal contact with senior officials and by attending public audiences of the Amir. No political parties are permitted. There are two clandestine political groups with ties to Iran which attract younger militant Shi'as: the Islamic Front for the Liberation of Bahrain, the group responsible for the 1981 coup attempt, and the Islamic Call Party. Both advocate overthrow of the Government and establishment of an independent Islamic republic. Both groups are believed to have several hundred members. There are also two underground leftist groups, the Popular Front for the Liberation of Bahrain and the National Front for the Liberation of Bahrain, which have ties with revolutionary Arab regimes in the area and some Soviet support. Both groups call for violent revolution and probably have several hundred members each.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

Bahrain has not been the subject of resolutions or investigations by official international human rights organizations. No private human rights group is known to have visited Bahrain this past year. The last indication of the Government's attitude toward such investigations was in 1982, when Amnesty International sent a team to observe the trial of those accused of plotting the coup attempt. The team was able to meet with government officials and defense counsel but was not allowed to attend the closed trial. There are no non-governmental organizations established to protect individual liberties. Bahrain was the object of a complaint lodged with the International Labor Organization (ILO) in 1983 on freedom of association. The Government maintained that the complaint was invalid because two persons arrested in connection with the complaint had not in fact been detained for seeking to form a trade union. In the absence of evidence to the contrary, the ILO decided to take no further action. Amnesty International in its 1984 report expressed concern about the long-term detention without charge or trial of political prisoners, the imprisonment of possible prisoners of conscience, the incommunicado detention and imprisonment of both untried and convicted individuals, and the ill-treatment of prisoners. Freedom House has rated Bahrain "partly free." Bahrain has not played a prominent role in international organizations nor has it worked in cooperation with private organizations in the human rights area.

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The Government has devoted a major part of its resources to meeting the economic and social needs of Bahrain's population. According to World Bank statistics, Bahrain's population is 411,000, of which about 32 percent, including about 60 percent of the labor force, is non-Bahraini. The population growth rate for the native population is 3.8 percent. Free public health care is available to all residents. Free education and subsidized housing are available only to Bahrainis. The Government's social insurance plans and protection against unfair labor practices primarily benefit Bahrainis. The labor code draws no distinction between Bahraini and foreign workers, but foreigners are, in practice, less protected. They generally receive lower wages for equal work and employers routinely deny them benefits to which they are entitled.

The right to private property is protected. While foreigners other than citizens of Gulf Cooperation Council countries are not normally permitted to own real estate in Bahrain, their rights to possess other personal property are protected under law.

Life expectancy in Bahrain is about 69 years. World Bank statistics show an infant mortality rate of 35 per 1,000 live births for 1984. The Ministry of Health gives this rate to be 23 per 1,000 for 1983. Food and safe drinking water are available in adequate supply to the entire population, and an ongoing sewerage project promises to improve public sanitation. The prices of basic food items are subsidized by the Government. Approximately 73 percent of Bahrainis between the ages of 4 and 19 attend primary or secondary schools; 48 percent are female. The literacy rate is estimated to be 79 percent (above age 10). The Government has begun a campaign to eradicate remaining illiteracy.

According to the World Bank, per capita income is now estimated at over $9,284. Income distribution patterns are skewed in favor of the ruling family and allied merchant families. There is no significant domestic taxation. Although statistical data are not available, it is generally recognized that there is some poverty at the village level and among some foreign temporary workers. The Government, faced with declining oil revenues, receives financial assistance from Saudi Arabia, Kuwait, and the United Arab Emirates. From the 1982-83 budget, 13 percent was allocated to education, 10 percent to health, 7.6 percent to housing, and 24 percent to social services.

## BAHRAIN

The Government continues to emphasize Bahrainization of most sectors of the economy, but currently both menial and high-skilled positions tend to be held by expatriate employees. The Government plans to train 10,000 Bahrainis in the present decade in order to replace foreign workers holding skilled jobs, but this effort is undermined by employers who prefer foreign workers who can be paid less and are more docile than Bahrainis.

Bahraini women have traditionally constituted a "separate society" in accord with Bahrain's Islamic heritage. The integration of male and female societies began with the development of a modern economy, and women have increasingly taken on roles previously reserved for men. Bahraini women in the work force increased from about 1,000 to 12,000 between 1970 and 1980, and they now constitute 12 percent of all Bahraini workers. The Government has encouraged the trend toward equality, has enacted special labor laws to encourage female entry into the work force, and is itself a leading employer of women. Most of these positions are clerical, but a small number of senior positions are held by women. Labor law grants women 60 days paid maternity leave and nursing periods during the working day. Women may not be discharged for marriage or pregnancy. However, women generally do not enjoy equal access to many government benefits. In 1984, complaints were aired in the press that women were discriminated against in the award of scholarships for study abroad. The responsible government official defended the discrimination and indicated it would continue. Many legal rights of concern to women are subject to Shari'a law; women have rights to their own property but daughters receive less inheritance than sons, and widows must share their husband's estate with their children. While a wife may divorce, she must specify grounds for the plea, whereas a man may divorce without cause. In the case of a male child, custody remains with the mother until he reaches the age of 12; a girl stays with her mother until she marries. Women are allowed to drive and appear in public without male escort. However, permission from a male family member is sometimes required to leave the country.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
### (U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: BAHRAIN

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.AID ................. | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.0 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 0.6 | 0.0 | 0.0 | 4.5 |
| IBRD | 0.0 | 0.0 | 0.0 | 0.0 |
| IFC | 0.0 | 0.0 | 0.0 | 0.0 |
| IDA | 0.0 | 0.0 | 0.0 | 0.0 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 0.6 | 0.0 | 0.0 | 4.3 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 0.2 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## BANGLADESH

Throughout 1984, Bangladesh was governed by the Martial Law Administration headed by Lieutenant General H. M. Ershad, which took power through a bloodless coup d'etat in March 1982. General Ershad declared himself President in December 1983, a move which made him head of state in addition to head of government.

In 1982, the military suspended the Constitution, dissolved the Parliament, and dismissed the popularly elected President. Martial law regulations give broad powers to the Chief Martial Law Administrator and to a three-level structure of martial law courts; these powers are essentially unlimited and are not justiciable. The principal reasons advanced for the imposition of martial law included the need to eradicate corruption, reinvigorate the economy, and lay a stable foundation for a promised return to democratic institutions.

Since its inception, the Martial Law Administration has generally been more restrained than its initial verbal assertion of unchecked powers would imply. As the Government has become less preoccupied with eradicating corruption and more concerned with economic development, administrative decentralization and reform, and attracting civilian political support, the use of the draconian martial law regulations has, for the most part, ended. The regulations, however, remain on the books, ready to be reimposed if necessary. Although martial law was toughened briefly in November 1983, as a result of political unrest, the trend toward liberalization gained momentum in 1984. Summary martial law courts ceased to function on August 1, leaving only seven special martial law courts. A reformed and substantially decentralized civilian courts system has effectively resumed civil and criminal judicial responsibilities. Bar associations in the capital and provincial towns flourish.

During most of 1984, the Government evidenced continued interest in restoring participatory politics. Local nonpartisan elections took place in December 1983-January 1984, but the scheduled March 1984 Upazilla (sub-district) elections were cancelled in the face of threatened violence by opposition parties. In May, Presidential elections were postponed because opposition political party alliances refused to participate. National parliamentary elections were rescheduled for December 8, with Presidential elections expected to be held soon afterward. Opposition political parties announced their intention to boycott those elections, and President Ershad announced the postponement of elections on October 27. On December 15, the President announced that parliamentary elections would be held in April 1985. He also announced various measures regarding the Martial Law Administration, including the abolishment of various local components of the Martial Law Administration by January 31, 1985; the cessation of the functioning of the remaining martial law courts by January 15, 1985; and the reinstatement of the Constitution and the lifting of martial law after the newly elected Parliament is summoned. Another measure, announced on December 20, prohibited all political activity, including processions, picketing, public meetings, and the use of loudspeakers on December 22-23, the dates set by the opposition parties for a 48-hour general strike.

Bangladesh is one of the poorest and most densely populated agricultural countries in the world. Deeply entrenched

## BANGLADESH

Islamic traditions, reinforced by illiteracy and the physical isolation of the villages, decree a pronounced subordination of women and effectively separate the majority of the population from access to a knowledge of their civil rights, either under Islam or under Bangladesh's legal system which is derived from English common law. Poverty and violence--the latter mostly over land and women--are common in rural areas where the vast majority lives at or below subsistence levels.

Bangladesh has spent 8 of its 13 years since independence under martial law. This both reflects and contributes to the weakness of its political institutions and feeds a belief among the military that it bears ultimate responsibility for national affairs. Political activity is an avocation for many in the capital, but national politics barely touch the everyday existence of 85 percent of the population.

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

Killing for directly political motives is not common, although violence, including killing, between factions, gangs, and economic adversaries sometimes assumes political coloration. Several persons were killed during the confrontations between students and opposition political elements, on one hand, and government security forces in 1984. On June 1, tribals from the Chittagong Hill Tracts attacked Bengali settlers, killing approximately 100 people and injuring scores more.

#### b. Disappearance

There are no confirmed reports of disappearances resulting from official action. There are occasional allegations of disappearances in the Chittagong Hill Tracts. In January, three expatriates working in the Chittagong Hill Tracts were kidnapped by the Shanti Bahini, a tribal guerrilla force, and held six weeks before being released unharmed.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Widespread or systematic torture is not characteristic in Bangladesh, but the press has reported sporadic police brutality, particularly in provincial areas. In 1984, there were allegations of the use of torture by government security elements, and Amnesty International has expressed concern about the reports of torture that it has received. Several such allegations have been made about treatment of tribes which inhabit the Chittagong Hills. Police and soldiers do not appear to be well supervised when they handle prisoners. Evidence exists that threats of physical abuse and actual beatings are occasionally employed to intimidate suspects detained in connection with such crimes as theft. Interrogation methods are, reportedly, sometimes abusive. According to one human rights activist, punishment of police and jail officials involved in mistreating prisoners takes place in cases where a victim or his family can attract publicity, but most mistreatment of obscure victims goes unpunished. Prominent individuals who have been jailed say they were not mistreated.

The overcrowded jails reflect the extremely poor living conditions prevalent in the country. In at least the larger prisons, the conditions under which prominent persons and political prisoners ("Class A" prisoners) are held are markedly better than those afforded ordinary criminals. In April 1983, a commission was constituted to study penal reform, with an eventual goal of improving facilities and evolving a new correctional system. Due primarily to severe resource constraints, prospects for rapid implementation of prison reforms are slight.

### d. Arbitrary Arrest, Detention, or Exile

In 1984, the Government sought to notify families expeditiously of arrests and of detainees' whereabouts. Following the unrest in November 1983, it reported that it had detained or placed under house arrest 160 persons, including leaders of the major opposition parties. At least 75 were released within 2 weeks and all were released by early 1984. In September 1984, as many as 1,500 persons were detained during a general strike; most were released within 24 hours.

Martial law regulations authorize arrest for reasonable suspicion of having committed an offense, and do not provide for habeas corpus. Offenses under these regulations include criticism of martial law, creation of panic, political activity, interference with the defense service, corruption, and smuggling. In practice, the Martial Law Administration has not fully exercised its broad authority. The suspended rights of habeas corpus and of bringing writs of any kind against the Government have, in practice, been reinstated.

Under the Special Powers Act of 1974, persons may be detained without charge for 24 hours, held with the consent of a magistrate for 30 days, and held indefinitely with government approval. This act predates martial law.

Several cases of persons arrested on minor charges, who have remained in jail without trial and been forgotten for 5 to 10 years, have been brought to light by Bangladeshi human rights activists. In the past, over half of the prison population was reportedly undergoing or awaiting trial. Under new regulations which apply to civilian courts, if investigation has not been completed and charges filed in an ordinary case within 90 days, the case must be dismissed. The regulations reflect an effort by the Martial Law Administration to remedy one of the great abuses of the legal system. To accomplish the goal of speedy justice, these changes also broaden the power of the police and lower courts and limit appeal rights in minor cases. There are no indications that these enlarged powers and more summary procedures have been misused. Incommunicado detention is not practiced.

### e. Denial of Fair Public Trial

Most civil and criminal cases are heard by civilian courts in public trials in which the right to counsel is respected. During 1984, cases were almost exclusively brought to civilian courts. Processing cases in Bangladesh can be both time-consuming and expensive, facts which work a hardship on the vast majority of individuals enmeshed in litigation and discourage many from seeking redress through the courts. However, the civilian court system does operate, and fair public trials do not appear to be intentionally denied.

Official punishment for offenses against martial law regulations range from fines to death, but no known executions have resulted from convictions under these regulations. In cases of corruption, sentences have included imprisonment up to 14 years, fines, and confiscation of property. Observers estimate that the number of persons in custody for offenses other than common law ones is around 100.

Among the steps which the Martial Law Administration has taken to make the justice system more accessible has been the dispersal of magistrate courts to the newly established Upazilla (subdistrict) level of government, and administrative decentralization of the appellate judiciary, of which benches currently sit in six cities outside Dhaka. Decentralization of both criminal and civil judicial functions has resulted in an increase in the number of cases. It is not clear that the backlog of cases, estimated as high as 100,000, will increase, however, since the new regulations emphasize expeditious processing. On December 15 it was announced that the remaining martial law courts would cease to function by January 15, 1985.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Bangladesh authorities do not normally engage in arbitrary invasion of the home. For the civil court system, a judicial warrant is required before authorities enter a home, and courts require evidence of a reasonable basis of suspicion of involvement in a crime before issuing such a warrant. Martial law regulations provide for entry and search of the home under the same set of conditions, but extend these powers to both military and police authorities.

Wiretaps are not thought to be widely employed in Bangladesh. Correspondence is not routinely monitored. The civilian and military intelligence services concern themselves, in part, with domestic events, but their influence and capability are not pervasive.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The Government owns and operates all radio and television facilities, and owns and controls one of the four English-language dailies, two vernacular dailies, and one weekly.

In 1984, the Government returned one major English-language paper, The Bangladesh Observer, to its private owners. Many Bengali-language periodicals circulate; most are privately owned. Before martial law, many newspapers were supported by political parties and reflected various political views. This practice continued under martial law, initially in muted fashion, but in 1984 with increasing openness. Major papers carry a balance of news from the Government and the opposition.

The Bangladesh news media avoid explicit criticism of the Government on topics perceived as particularly sensitive. The Government has detained and tried journalists for writing articles critical of martial law (an offense under martial law regulations), but all were released in 1984.

The Government exercises its authority to ban foreign and domestic publications. The publication of three Bengali-language newspapers was banned in 1984. The daily Dainik Desh was closed in 1983 for publishing reports of politicians' remarks threatening the martial law authorities, and again in 1984 for publishing a purportedly unsubstantiated story alleging that Burmese insurgents were receiving training in Bangladesh. Demands by journalists that the Government lift the ban on Dainik Desh have appeared regularly in other papers. Journalists took the unusual step of halting publication of all papers for one day in protest over the ban. However, the paper has not yet resumed publication.

The February 1983 clashes between politicized student groups and the authorities resulted in the closure of universities for several months. In November 1983, confrontation between political parties and the Government led to the closure of universities and colleges. The Government announced a two week holiday just before the September 27, 1984 general strike, which forced students off the campus. The Martial Law Administration has promulgated no decrees which specifically reduce academic freedom.

The Government does not routinely monitor the activities of private citizens in Bangladesh. Bangladeshis freely criticize the Government in private conversations, even with foreigners.

### b. Freedom of Peaceful Assembly and Association

The original martial law regulations prohibited any activity of a political party, any meetings of a political nature, and any gathering of over 100 people with the exception of cultural, literary, or religious events. The Government relaxed this ban in April 1983 by authorizing indoor political gatherings. It later lifted the remaining restrictions and allowed free political activity in preparation for local and national elections. Opposition political parties held a regular calendar of demonstrations, rallies, and strikes in 1984.

Given low wages and massive unemployment, labor unions in Bangladesh represent no more than three percent of the work force. These urban-based unions are closely allied with various political parties and are involved in the strikes and rallies mounted by them. The Martial Law Administration's 1982 industrial relations ordinance prohibited strikes, lockouts, and union meetings, and provided for peaceful settlement of industrial disputes by negotiations, followed by binding arbitration, with referral of appeals to a labor court. As a result, labor union activity in 1983 was nonconfrontational. In 1984, however, labor unions challenged the industrial relations ordinance, and, in the atmosphere of relaxed restrictions on political activity, launched a series of strikes and protests, the culmination of which was a call for a 48-hour work stoppage by a coalition of 15 leftist unions to dramatize their demands. On the eve of the May strike, the Martial Law Administration capitulated, and the strike was averted. In addition, a strike by journalists in July closed the nation's newspapers for 26 days, doctors and nurses struck, civil servants made repeated "pen-down" protests, and Supreme Court lawyers boycotted the court. Primary school teachers won concessions in June, and a strike by pilots and engineers grounded the national airline in September. Issues included working conditions, fringe benefits, salary levels, and demands for an end to martial law.

## BANGLADESH

The International Labor Organization (ILO) received complaints by trade union organizations that certain of the Government's martial law ordinances violate two ILO conventions, the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), and the Right to Organize and Collective Bargaining Convention, 1949 (No. 98). The Government of Bangladesh has ratified these Conventions. The Government has informed the ILO that the restrictions complained about are temporary and under constant review toward their relaxation and ultimate withdrawal when constitutional government is restored. The ILO has reminded the Government of the need for it to comply with the provisions of these conventions.

### c. Freedom of Religion

In predominantly Muslim Bangladesh, conversion from one religion to another is permitted. Proselytizing by citizens is allowed under Article 41 of the Constitution, subject to law, public order, and morality. Proselytism is largely directed toward minority groups such as Hindus and tribals. There is strong social resistance against efforts to convert persons from the majority Muslim community. Certain Islamic organizations have voiced concern over Christian missionary activities and the conversion of Muslims to Christianity. Present and preceding governments have all pledged to Hindu, Buddhist, and Christian minorities, who combined constitute approximately 17 percent of the population, equality of treatment and freedom of worship. Although this policy is substantially respected, the numerical predominance of Muslims and South Asia's history of communal antagonism contribute to minority unease. Members of minority religious groups are disadvantaged in practice, although not by law, in their access to government positions and political office. Members of some minorities, principally Hindus, have lost or had serious difficulty retaining their properties as a result of prejudicial administration of vested property laws. These laws provide that property belonging to persons who left Bangladesh between 1965 and 1971 shall be managed by the Government. The Government is authorized to use and to sell this property, which it has sometimes done to the disadvantage of former owners. In October 1983, the Government announced the establishment of three religious welfare trusts for Hindu, Buddhist, and Christian religious groups.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Bangladesh citizens are free to move within the country, but there are designated "protected areas" near the borders and certain other locations from which all non-residents may be banned. Bangladeshis are generally free to visit or emigrate abroad, subject to foreign exchange controls. In some instances, persons deemed by the Government to be security risks have not been allowed to travel abroad. Civil servants must obtain "no-objection certificates" from the ministry in which they are employed before traveling abroad, and citizens going overseas to work must register with the ministry responsible for manpower exports. The right of repatriation is observed. Although Bangladesh has no stated policy on refugee and asylum matters, in 1979 it provided temporary asylum to sizable groups of Arakanese Muslim refugees from Burma.

## BANGLADESH

Approximately 250,000 non-Bengali Muslim Biharis remain in Bangladesh, in principle pending resettlement in India or Pakistan. After independence in 1971, these Biharis opted for Pakistani citizenship. As neither Pakistan nor Bangladesh recognizes them as citizens, the people are effectively stateless. Camp dwellers may seek employment and conduct other activities, but face disadvantages as non-citizens. Some Biharis have lost property as a result of laws confiscating Pakistani holdings. On the other hand, those Biharis who chose to become Bangladeshi citizens in 1971 are entitled to full rights as such.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Martial Law Declaration of March 25, 1982, suspended the Constitution and its electoral provisions, banned political activities (but not political parties), dissolved the Parliament, dismissed the elected President, and prohibited criticism of martial law or the spreading of "prejudicial reports." From the outset, however, the martial law authorities stated their intention to return the country to representative government.

During 1983, a timetable for local, parliamentary, and Presidential elections was announced. Despite political unrest, the Government continues to assert that it intends to reinstate the Constitution in largely unaltered form. Parliamentary elections were scheduled for December 8, 1984, with Presidential elections to follow soon after. With the opposition continuing to boycott, however, President Ershad postponed the elections. On December 15, he announced that parliamentary elections would be held in April 1985. As a key element of its overall reform efforts, the Martial Law Administration has announced and partially implemented plans to devolve power and responsibility to elected township and subdistrict councils (Upazillas), particularly in development matters.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

Several international non-governmental human rights organizations, including Amnesty International, the International League for Human Rights, and the International Commission of Jurists, are represented in Bangladesh. No external missions made inquiries in Bangladesh in 1984. Bangladesh is currently serving its first term in the U.N. Human Rights Commission.

In its 1984 report, Amnesty International expressed concern about the detention of opposition party leaders, workers, and students; the trial of political prisoners by military courts applying summary procedures; allegations of torture; prison conditions; the death penalty; and treatment of tribal groups in the Chittagong Hill Tracts. Freedom House rates Bangladesh "partly free." Several Bangladeshi organizations and lawyers are active in defending human rights through publicity designed to inform people of their rights, the provision of legal aid to the poor, and challenges in the courts. The majority of cases handled by these organizations involve the rights of pretrial prisoners and the treatment of women.

# BANGLADESH

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Since an estimated 86 percent of Bangladeshis subsist below an absolute poverty level (according to World Bank figures), the Martial Law Administration's avowed priority is economic development. Its programs aim at increased agricultural yields, reduced population growth, administrative decentralization, and private sector development. The Martial Law Administration considers the eradication of corruption and inefficiency necessary for the success of these efforts. However, accusations of widespread corruption within the administration persist.

Efforts to induce economic growth confront serious obstacles. The 99 million people live in 55,000 square miles with a population growth rate of 3.1 percent, making Bangladesh the most densely populated agricultural country in the world. Half the population is under 14 years of age. With the exception of natural gas and fertile alluvial soil, the country lacks natural resources. Annual per capita income was only about $139 in 1982. Funds for investment, as well as the transportation and communications infrastructure, are extremely limited. Approximately 85 per cent of the development budget comes from foreign aid. Literacy appears to be declining overall, and exhibits a marked disparity between males and females and between urban and rural dwellers. About 76 per cent of Bangladeshis 5 years old and above are illiterate. Despite the Government's commitment to expand primary, secondary, and technical schooling, broad-based modern education is far from a reality and rapid population growth is overwhelming those facilities which do exist. The technological level of capital and human assets is rudimentary, and the outward flow of educated and trained persons, given the meager base, is substantial.

The economy is highly susceptible to fluctuations in the world market, commodity prices, and especially the vagaries of nature. The low-lying land and dependence on monsoon rains, combined with extremely simple farming methods, mean that a tropical storm or a few weeks variation in rainfall patterns can change subsistence into famine in a particular locality. The year 1984 was a particularly difficult year, with near record floods.

These difficulties are compounded by social factors. Approximately one-half of the rural households are effectively landless. Gains in food production have been offset in large part by population growth, and Bangladesh still has an annual food deficit.

Bangladesh's industrial and service sectors are small, employing approximately 10 percent of the labor force and contributing only about 9 percent to the gross domestic product. While no accurate measurements of unemployment and underemployment exist, both are estimated as high as 40 percent. Women are virtually absent from the cash work force, except in the new and mushrooming export-oriented garment industry. Their wages lag behind those of men, even for the same work.

In addition to its large development program, which includes agricultural modernization, road building, and rural electrification, the Government has instituted industrial and tax policies to strengthen the private sector in an effort to encourage the growth of productive industry. Despite government inducements, few industries have located in rural areas, and it is unlikely that many will do so in the near future because the basic infrastructure of transportation, communication, and electrification is inadequate.

The poverty of Bangladesh is evident in the poor health and nutritional standards of the country. Life expectancy at birth is 49 years. The infant mortality rate is approximately 142 deaths per 1,000 live births. Only 53 percent of the population has access to safe water (according to 1976 estimates). On a per capita basis, nutritional intake indicates a downward trend over the last 15 years.

Present beliefs and underlying social barriers circumscribing the participation of women in activities beyond the home are strongly entrenched and show few signs of weakening. For the approximately 86 percent of women who live in rural areas, early marriage, high childbearing rates, and long hours of household labor leave little opportunity for non-family interests or outside employment. No culturally acceptable alternative to marriage exists for women (or men), and childlessness is viewed as a personal catastrophe. Even in urban areas and among the affluent, the traditional social system makes women economically dependent on their husbands or other male relatives.

By custom and Muslim-influenced tradition, women occupy a subordinate, dependent place and receive unequal treatment before the law on a widespread basis. The ability of a family to seclude its women is a key symbol of social status. The daily press testifies to a pattern of domestic violence (murder, rape, torture), breach of matrimonial contract, denial of inheritance rights, and desertion, which victimizes women, particularly among the poor. The rate of suicide among women is reportedly almost three times higher than among men. In October 1983, the Government promulgated a stringent ordinance aimed at deterring cruelty to women. To check murder, kidnapping, abduction, and trafficking (including international trafficking) in women, the ordinance brings together the various statutes applicable to women and stiffens the penalties for abuse. It provides the death penalty for those directly responsible for a "dowry killing" or for killing of a woman in the course of rape, although it does not address the abuse of a woman stopping short of murder or rape or taking place within the family or home. "Dowry killings," as reported in the press, usually share a common theme: the bride's family has not made full payment of a supposedly promised dowry, so the husband or his family attacks and often murders the bride.

A simmering insurgent movement bred of social disruption, economic decline, and spiritual demoralization continued through 1984 among the approximately 404,000 tribal people who inhabit the Chittagong Hill Tracts, a geographically and socially atypical part of an otherwise generally homogeneous country. The predominantly Buddhist tribal population has been alienated by the Government's claim to land which the indigenous people regard as tribal property. Over the past decade, successive governments have settled close to 260,000 ethnic Bengalis in that territory, radically altering the ethnic balance in the area from 90 per cent tribal in 1947 to 54 percent in 1981. Sporadic clashes pitting police, army, and border patrol units against tribal insurgents continue.

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Although the number of deaths is believed to be low, no reliable statistics are available. Reported conditions in the Chittagong Hill Tracts lend credence to charges of human rights abuses by the army and Bengali settlers.

In an attempt to end the insurgency, the Government announced in October 1983 an amnesty for all insurgents effective through February 1984. Although the Government considers its new policy generous, the anti-government tribal leadership continues to demand the preservation of the autonomous culture of the Chakmas and other tribes rather than integration into Bengali Muslim culture. In particular, insurgents continue to call for an end to Bengali settlement in the Chittagong Hill Tracts.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: BANGLADESH

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 172.5 | 172.3 | 193.2 |
| LOANS.............. | 64.0 | 60.0 | 81.0 |
| GRANTS............. | 108.5 | 112.3 | 112.2 |
| A.AID ................. | 74.4 | 78.9 | 77.0 |
| LOANS.............. | 0.0 | 0.0 | 13.0 |
| GRANTS............. | 74.4 | 78.9 | 64.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 98.1 | 93.4 | 116.2 |
| LOANS.............. | 64.0 | 60.0 | 68.0 |
| GRANTS............. | 34.1 | 33.4 | 48.2 |
| TITLE I-TOTAL.......... | 64.0 | 60.0 | 68.0 |
| REPAY. IN $-LOANS..... | 64.0 | 60.0 | 68.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 34.1 | 33.4 | 48.2 |
| E.RELIEF.EC.DEV & WFP. | 16.4 | 18.7 | 30.8 |
| VOL.RELIEF AGENCY..... | 17.7 | 14.7 | 17.4 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.2 | 0.2 | 0.3 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.2 | 0.2 | 0.3 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.2 | 0.2 | 0.3 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 172.7 | 172.5 | 193.5 |
| LOANS.............. | 64.0 | 60.0 | 81.0 |
| GRANTS............. | 108.7 | 112.5 | 112.5 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 598.5 | 711.3 | 770.6 | 4835.7 |
| IBRD | 0.0 | 0.0 | 0.0 | 54.9 |
| IFC | 0.0 | 3.9 | 0.0 | 8.8 |
| IDA | 391.0 | 367.3 | 393.1 | 2941.7 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 147.4 | 308.1 | 377.5 | 1575.9 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 10.1 | 32.0 | 0.0 | 105.2 |
| OTHER-UN | 50.0 | 0.0 | 0.0 | 149.2 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## BHUTAN*

Bhutan is a Buddhist kingdom of some 18,000 square miles, bordering India and China. According to national census estimates the population is around 1.4 million. During the rule (1952-72) of King Jigme Dorji Wangchuck, Bhutan began to emerge from centuries of medieval seclusion and progressed toward a more representative political system. Although the King, a hereditary monarch, retained strong executive powers, he created several important institutions such as the National Assembly (1953), the Royal Advisory Council (1965), and the Council of Ministers (1968) to provide broader participation in the Government. Serfdom was abolished, land reform introduced, codification of laws begun, and the judiciary separated from the executive. The present monarch, Jigme Singye Wangchuck, has continued Bhutan's social and political evolution. Bhutan maintains diplomatic relations with India, Bangladesh, and Nepal and is a member of the U.N. Although a 1949 treaty obligates Bhutan to consult with India concerning the conduct of its foreign affairs, Bhutan is not compelled to follow India's guidance and does, for example, vote independently from India in international fora.

There was little apparent change in the human rights situation in Bhutan in 1984.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

There were no known political killings in 1984.

#### b. Disappearance

There were no known disappearances in 1984.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There is no evidence of cruel, inhuman, or degrading punishment or treatment. Bhutanese society, largely agrarian and traditional, is peaceful and has a very low crime rate. Punishment for most crimes ranges from fines to imprisonment. Mutilation was outlawed in 1965.

#### d. Arbitrary Arrest, Detention, or Exile

There is no special or preventive detention, and arrests can be made only under legal authority. As far as is known, exile is not employed as a form of punishment.

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*Bhutan and the U.S. do not maintain formal diplomatic relations, and U.S. officials rarely travel there. Information on Bhutanese practices in connection with human rights matters is, therefore, neither readily available nor complete.

## BHUTAN

### e. Denial of Fair Public Trial

Bhutan has no written constitution; instead, justice is administered under an eighteenth century legal code which has been revised in recent years. Criminal cases and a variety of civil matters as well are treated under the code which applies to all Bhutanese. Traditional law still governs familial matters, however. Approximately 25 percent of the population is of Nepalese origin and, in ethnic Nepali areas, traditional Hindu law is administered. Buddhist norms are applied in other regions. Although the country's legal system does not provide for juries or the right to be represented by legal counsel, trials are generally expeditious and public; qualified observers report that they conform to the local population's concept of impartiality and justice. A separate judiciary was established in 1968 which provides for local, district, and national courts with original and appellate jurisdiction. Final appeals may be made to the King.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There are no written guarantees for privacy in the Bhutanese system, but tradition has bolstered the concept. In practice, the Government does not intervene arbitrarily or unreasonably in the lives of the people.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The only publications currently produced are a weekly and a monthly government journal and a weekly private newspaper. Indian newspapers and Western news magazines are also distributed in Bhutan without apparent government control. India has agreed to assist Bhutan construct a radio transmitter for a national radio station. Indian and other foreign newspapers and publications are allowed free access. Criticism of the King is permitted in the National Assembly, but civil and political liberties are not guaranteed in a written constitution.

### b. Freedom of Peaceful Assembly and Association

No written guarantees of these freedoms exist, but Bhutanese generally enjoy the freedom of peaceful assembly and association.

### c. Freedom of Religion

Although Buddhism is the state religion, members of other faiths, who are mainly Hindus of Nepali origin, enjoy freedom of worship.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There is freedom of movement within Bhutan for Bhutanese citizens and no bar on emigration or foreign travel. Permanent residence for Nepalis and Indians in Bhutan (except those in government service) is restricted to the southern hill region. Bhutan traditionally has welcomed refugees and exiles from other countries in the region. Some 6,000 Tibetan refugees sought refuge in Bhutan after 1959, joining approximately 4,000 Tibetans already in the country.

Because it perceived threats to national security resulting from the Tibetan refugees' lack of allegiance to Bhutan, the Government required in 1979-80 that they either accept Bhutanese citizenship or face expulsion. When India and other countries initially refused to accept them, Bhutan's policy raised the possibility of forcible repatriation. However, the Government decided not to carry out its threat. Most Tibetans in Bhutan have accepted Bhutanese citizenship. They have been assured by the Bhutanese Government that they will always be free to return to their homeland.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

There are no political parties and their formation appears to be discouraged. The 150-member National Assembly is composed of 100 members elected on a limited franchise (heads of family in Hindu areas, village headmen in Buddhist regions), 10 elected by the organization of lamas (Buddhist leaders), 2 elected by the business community, and the remainder appointed by the King. Though the King's executive powers dominate in the Government, the Assembly enacts laws, approves senior appointments, and advises the King on matters of national importance. It also provides a forum for ventilating grievances and rectifying cases of maladministraton. The King cannot veto legislation passed by the National Assembly, although he can refer bills back to it for further consideration. Local administration is carried out by centrally appointed government officials. Villages, however, have the traditional right to elect their own headmen, who form the lowest rung of the administrative hierarchy.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

No international agency or group is known to have sought entry into Bhutan to investigate alleged violations of human rights. Amnesty International does not report on Bhutan; Freedom House calls the country "partly free." No non-governmental human rights groups are known to exist in Bhutan.

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The vast majority of the population is illiterate and rural, following traditional agricultural and pastoral pursuits in a largely barter economy. Virtually all families own enough land to feed and clothe themselves adequately by local standards. While poverty exists in remote areas, the destitution sometimes found in other parts of the subcontinent is absent. The Government has set land taxes low enough not to burden even small landholders. It has abolished the traditional and substantial payment in kind by local populaces to monastic organizations. Under successive five-year development plans begun in 1961, Bhutan has improved its agriculture, roads and freight ropeways, communications, education, and health.

Although comprehensive economic and social statistics do not exist, World Bank figures give some indication of Bhutan's development over the last 20 years. Bhutan is one of the world's least developed nations, with an annual per capita gross national product (GNP) in 1982 of only $132, and a ratio of calorie supply for consumption (relative to nutritional requirements) of about 88 percent (in 1977). Life expectancy at birth has risen from 36 years (in 1960) to over 44 years. The infant mortality rate is 124 per 1,000 live births. Estimated net annual population increase is 2.1 percent. Smallpox has been eradicated, and programs launched to control malaria, tuberculosis, leprosy, and goiter. Bhutan receives some financial and technical assistance through the U.N. Development Program and the Colombo Plan. Primary education is free, and higher level students often receive free board and lodging. Although primary school enrollment quadrupled between 1960 and 1979, the ratio to the primary school-age population was still only 13 percent in 1979, and boys tend to outnumber girls by about two to one. Adult literacy stood at only 5 percent in 1970.

There are few social and economic indicators available on the status of women. Under Bhutanese law, no distinction is made between the status of men and women. The general impression given by the literature on Bhutan suggests that the society and economy are relatively egalitarian.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
## (U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: BHUTAN

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL | 0.4 | 0.9 | 1.1 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 0.4 | 0.9 | 1.1 |
| A.AID | 0.0 | 0.0 | 0.0 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 0.0 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.) | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE | 0.4 | 0.9 | 1.1 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 0.4 | 0.9 | 1.1 |
| TITLE I-TOTAL | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL | 0.4 | 0.9 | 1.1 |
| E.RELIEF.EC.DEV & WFP. | 0.4 | 0.9 | 1.1 |
| VOL.RELIEF AGENCY | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST | 0.0 | 0.0 | 0.0 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 0.0 | 0.0 | 0.0 |
| PEACE CORPS | 0.0 | 0.0 | 0.0 |
| NARCOTICS | 0.0 | 0.0 | 0.0 |
| OTHER | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL | 0.0 | 0.0 | 0.0 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL | 0.4 | 0.9 | 1.1 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 0.4 | 0.9 | 1.1 |
| OTHER US LOANS | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS | 0.0 | 0.0 | 0.0 |
| ALL OTHER | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL | 0.0 | 7.0 | 8.5 | 17.9 |
| IBRD | 0.0 | 0.0 | 0.0 | 0.0 |
| IFC | 0.0 | 0.0 | 0.0 | 0.0 |
| IDA | 0.0 | 0.0 | 8.5 | 8.5 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 5.0 | 0.0 | 5.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 0.0 | 2.0 | 0.0 | 2.0 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 2.4 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## EGYPT

Egypt is a republic in which effective political power is exercised by the President and a strong ruling party. The President's party commands a large majority in Parliament, but opposition parties play an increasingly important role. The Cabinet is headed by a Prime Minister responsible to the President. The parliamentary institutions are the Peoples Assembly and the Shura (consultative) Council.

Vice President under Sadat, Hosni Mubarak was elected President in 1981, following Sadat's assassination, in accordance with constitutional procedures. Mubarak's National Democratic Party (NDP) retained its majority in the Peoples Assembly elections held in May. Two opposition parties are represented in the Peoples Assembly, but the NDP, whose chairman is President Mubarak, represents the major force in the Peoples Assembly and political life generally. There is an independent judiciary. Governmental and legal systems reflect Egypt's Muslim and Arab heritage, as well as principles deriving from the 1952 revolution and other stages in the nation's political development. Western influences are also present, as evidenced by the country's Napoleonic legal code.

The scope for legal opposition to the Government is limited but increasing. Representatives of opposition parties participate fully in Peoples Assembly debates and, joined by NDP members, regularly criticize government policies. Al-Shaab and Al-Ahali, two secular opposition papers banned by Sadat in 1981, now conduct a lively debate on national issues--frequently, and often harshly, criticizing government figures. As soon as it returned to political legitimacy in 1983, the New Wafd Party began publishing its weekly newspaper, Al-Wafd. The other opposition papers include the Socialist Liberals' weekly Al-Ahrar and Al-Umma, which appears irregularly. These papers, and sometimes officially supported publications as well, challenge government policies and officials.

After Sadat's assassination in October 1981, a state of emergency was proclaimed. It was extended by presidential decree and with the approval of the Peoples Assembly in 1982 and 1983 and again in September 1984. Under it, certain constitutional and legal safeguards, normally associated with the protection of civil and political liberties, can be suspended. In September, the Prime Minister announced that no Egyptian citizen was being held under the emergency provisions, and there have been no reports to the contrary.

In September, the trial of 300 persons connected with the Al-Jihad (Holy War) organization ended with the Supreme State Security Court acquitting 190 defendants and sentencing the remaining 110 to prison terms. There were no death sentences. The Al-Jihad organization has been described as a loose association of Islamic extremist groups dedicated to the overthrow of the secular Egyptian state and to the establishment of an "Islamic Republic" based on Shari'a law. The defendants were charged with inciting a violent uprising in Assiut following Sadat's assassination. In a separate trial, in which defendants faced the less serious charge of membership in the banned Al-Jihad organization, the Supreme State Security Court in October decided, at the prosecution's request, to postpone the proceedings indefinitely. The Court also acted to free 62 defendants still detained; 114 accused in the case had previously been released for lack of evidence. There has been no indication if or when this case may be resumed.

In another major development, President Mubarak's decree of January 1, 1985, restored Pope Shenouda to the full exercise of his papal functions, effectively terminating his enforced seclusion. His alleged involvement in sectarian strife led Sadat in 1981 to suspend official recognition of his status as Patriarch of the Coptic Christian Orthodox Church. Pope Shenouda was subsequently confined to a monastery in Wadi Natrun. A 1983 court ruling upheld the validity of this decree, but legal redress was still being sought for Pope Shenouda at the time of his release.

The National Democratic Party (NDP) and four opposition parties together ran over 2,000 candidates for 448 seats in the Peoples Assembly in the May elections, widely regarded as the freest since the 1952 revolution. The NDP received 73 percent of the vote. In postelection statements, the opposition charged the Government and the NDP with committing numerous improprieties to influence the balloting results. The then-Interior Minister acknowledged that irregularities had taken place and gave assurances that abuses would be rectified. President Mubarak has advised election critics to follow up on their complaints through the courts.

Egypt is a developing country moving toward political liberalization and greater freedom of expression. Scope for initiative has been expanded by economic development and social policies. Although the Government discourages and in some cases actively opposes certain political activities, its human rights record in 1984 continued a trend of progressive improvement over the situation prior to 1981. Some members of the Christian minority are concerned by the potential threat to their rights posed by growing Islamic influence in Egyptian life. However, the Government appears committed to the protection of minorities' rights. The demonstrated independence of the judiciary and the greater freedom accorded the media are also encouraging. Mechanisms for redress of abuses of human rights are available and are used.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

There were no confirmed reports of government-instigated killings in 1984. The one reported instance of a politically motivated slaying occurred during the Peoples Assembly elections in May, when a supporter of the ruling NDP shot and killed a candidate of the opposition Socialist Labor Party. The perpetrator was apprehended and charged with murder. According to an opposition press report in October, he was at that time free on bail, awaiting resumption of his suspended trial. There is no evidence of official involvement in the killing, which apparently was the result of a local partisan feud.

#### b. Disappearance

There were no known politically motivated disappearances in 1984. Names of persons detained by authorities under emergency law are generally made public, and the detainees are entitled to inform whomever they wish of their detention.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and cruel, inhuman, or degrading treatment or punishment are forbidden by the Constitution and by law. Persons claiming to have been tortured have redress in the courts. Information gained through torture is not admissible in court, and police and security officials convicted of torture face prison terms and other lesser sanctions. Some detainees and prisoners have claimed they were tortured and have submitted appeals for redress to the courts or to the public prosecutor. These appeals, which usually lead to investigations by legal and medical authorities, sometimes end with the Government's denial of the alleged torture. More often, the Government fails to reveal the findings of its investigations.

On November 3 the semiofficial daily Al-Ahram reported that the Supreme State Security Court had "conclusive evidence" of torture in the Al-Jihad case which ended September 30. This, according to Al-Ahram, was the basis for the acquittal of some defendants and the relatively lenient sentences meted out to others, and led to calls by the judges for an immediate investigation to identify the responsible security officials. That investigation is under way.

Opposition papers had already been featuring allegations of the torture of Al-Jihad defendants, as well as in other instances. In September, the New Wafd's weekly newspaper, Al-Wafd, alleged that various Al-Jihad detainees, along with other persons associated with radical Muslim and leftist groups during the period 1981-83, had been tortured. Accompanying the article, which named some individual victims and described torture methods allegedly used, are facsimiles of official medical reports on torture cases that appear genuine. In July, the National Progressive Unionist Grouping Party's weekly, Al-Ahali, claimed that officials at Cairo's Torah Prison had tortured a detainee to death. In December, the opposition press accused security officials of torturing students detained in connection with the disorders that erupted at Cairo's Al-Azhar university in late November.

In September, Al-Ahram and other progovernment papers joined the opposition press in reporting the suspension from duty and arrest of a police official in Fayyoum Governorate for severely beating an ex-convict during interrogation. Moreover, according to the opposition paper Al-Ahrar, the courts recently acted to rectify abuses dating back to the Nasser era by awarding compensation to an individual tortured and imprisoned in 1965.

In its report Torture in the Eighties, Amnesty International noted that it had rarely received reports of torture or ill-treatment in Egypt until after the assassination of Sadat. Between October 1981 and March 1982, however, it had received numerous and consistent reports of torture and ill-treatment, mostly relating to alleged members of militant Islamic groups, notably Al Jihad, but also including several left-wing detainees.

As in 1983, there were reports in the opposition papers of strikes by Al-Jihad defendants in protest over prison conditions, including solitary confinement, flogging, and other forms of physical abuse. There is evidence that prison guards at times beat inmates or strike them with rifle butts to discipline them. There were also opposition press stories of major prison riots, allegedly the result of discontent over substandard prison conditions and mistreatment by guards, in August and September at facilities in Gharbiyya Governorate and Alexandria. However, there are reports that Alexandria prison officials are now acting to improve living conditions and eliminate excesses by guards.

Conditions vary with respect to living conditions and treatment. Prisons often appear to be crowded and to lack adequate medical and sanitary facilities. Some prisons, however, appear to provide reasonable living conditions and opportunities for vocational training and recreation.

### d. Arbitrary Arrest, Detention, and Exile

Arbitrary arrest, detention, and exile are forbidden by law. Arrests follow investigations, and arrested persons are charged with violations of specific laws. With some exceptions which are discussed below, preventive detention is not practiced. Arrested persons have the right of habeas corpus and there is a system of bail. The law, however, permits detention of a suspect in a crime up to 90 days during investigation. By and large, constitutional and legal safeguards of due process in the arrest and pretrial custody stages are carefully observed. Arrests occur openly and with warrants, and the accused are brought before an independent judiciary. The Government does not appear to practice incommunicado detention.

Exceptions to these arrest and detention procedures have existed during the state of emergency, which, since Sadat's assassination, has been extended annually by presidental decree, with approval by the Peoples Assembly. The Constitution and the Emergency Law of 1958, as amended, empower the President to invoke his emergency powers when security or public order is in peril. Among these powers is the authority, delegated by the President to the Prime Minister and Interior Minister, to order the arrest or detention of persons suspected of being dangerous to state security, without regard for provisions of the code of penal procedure. The emergency powers of arrest and detention have been circumscribed in the past few years. For example, the emergency law was amended in 1982 to accord detainees and prisoners greater rights of appeal, as well as prompt redress, including judicial review, against improper treatment. In 1983 several related laws granting the Government additional authority to arrest and detain suspects were repealed or liberalized.

With the September 30 verdicts in the Al-Jihad trial, all persons arrested or detained under the state of emergency following Sadat's assassination have now been either tried and convicted, or released. The last were the 62 defendants in a separate Al-Jihad trial, and they were released in October following suspension of the current proceedings. In 1983 and 1984, arrests and detentions under emergency provisions dropped sharply from 1981-82 levels. According to the Prime Minister's testimony before the Peoples Assembly in September, no citizen was being held under emergency provisions. According to an official source, as of December 1983, the Government was holding one person, presumably the Muslim religious figure Sheikh Taba Ahmed Al-Samawi. Detained in 1981, Al-Samawi was released in the spring of 1984. According to the Interior Minister, authorities did not resort to emergency powers in dealing with the civil disturbances September 30 in the Delta city of Kafr Al-Dawwar. Instead, security forces reportedly followed the search, arrest, and detention procedures of the standard penal code to apprehend those suspected of violence. The opposition charged that there was excessive use of police force. In the course of the prosecutor's investigation, some suspects were released, while others were remanded for trial.

There were no reports of arbitrary deportation of foreigners. However, the opposition paper Al-Ahali reported that authorities expelled numerous Syrians, Lebanese, and Palestinians for alleged subversive activities following the unsuccessful Libyan plot in November to assassinate exiled former Libyan Prime Minister Bakoush. The Government has not confirmed such action.

### e. Denial of Fair Public Trial

Egyptian law provides for public trial and equal treatment before the law, and these legal safeguards appear to be observed. Persons accused of espionage, plotting to overthrow the state, or similar crimes, however, are tried in State Security Courts, often in closed proceedings. The Al-Jihad trials were held in these courts, and a number of the sessions were closed. However, all of the Al-Jihad defendants in the case that ended September 30 were present at the proceedings and were represented by lawyers conducting an active defense. This is also true of another case recently brought before the State Security Court involving 19 defendants charged with belonging to an armed, Communist-oriented group. According to Al-Ahali, in August the court ordered the release of all the accused.

There is widespread agreement that, under Mubarak, the judiciary enjoys greater independence. For example, the September 30 Al-Jihad verdicts were less harsh than expected, including 190 acquittals and no death sentences. Of the remaining accused, 17 were sentenced to life imprisonment at hard labor--the harshest penalty meted out--while 93 others received prison terms ranging from 2 to 15 years. In a posttrial interview, the presiding judge declared that there had been no governmental interference to influence the verdicts.

Article 2 of the Constitution states that Islamic jurisprudence is the principal source of law. However, the application of Islamic law is limited to the so-called "Family Status Courts," which have jurisdiction over such matters as divorce and inheritance for Muslims. In addition to Islamic law, these courts apply the codes of other religions in family matters if the parties are non-Muslims.

There are no public statistics on the number of persons serving prison sentences (as opposed to detainees on trial or awaiting prosecution) for acts of violent protest or membership in proscribed organizations espousing terrorism or the violent overthrow of the state. However, in the wake of the Al-Jihad verdicts of September 30, there remain an estimated 200. The conviction and sentencing of "prisoners of conscience" or other nonviolent dissenters appear to occur rarely, if at all. However, the emergency law provides ample powers to detain people believed to be planning violent acts against the Government.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Freedom from arbitrary interference by the state or by political organizations in private life is guaranteed by the Constitution. The Government does not appear to interfere, except where actual crimes are involved or where the state believes there is evidence that persons may be engaging in potentially violent political activity.

Under normal circumstances, police must obtain a warrant from the State Security Prosecutor before undertaking arrests, searches, or seizures. The warrant need not specify the material being sought in a search, and the material seized can be presented as evidence during trials. On occasion, the courts have dismissed cases when they considered that warrants were issued without sufficient cause. Officials who conduct searches without a proper warrant are subject to criminal penalties. Monitoring of correspondence or telephones does not appear to take place without the legally required authorization of the State Security Prosecutor.

The emergency law empowers the President to authorize searches of individuals or premises without regard for the code of penal procedure. Since the sweeps carried out in the wake of Sadat's assassination in 1981, there has been one credible report of a warrantless search. According to an opposition weekly, in April security forces, relying on emergency powers, searched private residences without warrants as part of a massive hunt for purloined evidence, chiefly weapons, in the Al-Jihad trials. Subsequently, a security guard confessed to stealing the weapons in order to sell them.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The Constitution guarantees freedom of speech and of the press. The Government's respect for these freedoms is reflected in the debate of national issues and criticism of government officials in the media. Such debate appears occasionally in the government-owned press, but criticism is found especially in the weekly newspapers of the legal opposition parties. The opposition press gave full coverage to the riot late last September in the textile town of Kafr Al-Dawwar, criticizing the Government's handling of the situation; no censorship was applied. Many believe that the press has never been freer than it is today, an opinion supported by an evaluation published by the London-based International Press Institute in December. According to a statement by the Institute's Director General quoted in the Egyptian press, the Institute has chosen Cairo as the site for its general assembly meeting in 1985, reflecting its recognition of the extent of press freedom attained in Egypt. Nonetheless, the Government can, and occasionally does, exercise influence on government-owned publications, including the major daily newspapers, whose editors are appointed and can be dismissed by the Government.

There is no machinery for direct control of the print media (as there is for radio and television), but under the law the Shura Council has responsibility for press supervision. The Council theoretically exercises its supervision through the Government's ownership of major non-party newspapers and magazines and through its role in the Higher Press Council. The latter, a 45-member body chaired by the Speaker of the Shura Council and composed of senior press figures, is not designed to serve as a vehicle for imposing censorship over the press and does not appear to be a very active body.

Overt censorship does not exist, though journalists working for government-owned newspapers may be "guided" on occasion by officials on the treatment of specific issues. Sanctions against press critics are rarely applied. Since Mubarak assumed the presidency, no journalists have been arrested on political grounds, and the sole instance of seizure of an opposition paper occurred in April, when state security authorities ordered the confiscation of an edition of Al-Wafd. The paper returned to newsstands the following day, however, as a Cairo magistrate rejected the authorities' contention that the story on the disappearance of evidence in Al-Jihad court proceedings could jeopardize efforts to recover the missing items.

President Mubarak has publicly emphasized the importance of opposition criticism and declared his commitment to a free press. He has sometimes "criticized the critics," including those published in the government-owned press, for failing to offer constructive alternatives or for neglecting Egypt's "national interests."

Three of the five Muslim and Coptic religious publications, whose suspension by the Sadat Government in 1981 was canceled by the courts in 1982, reappeared in 1984. They are the Muslim Brotherhood organs Al-Eitisam and Al-Mukhtar Al-Islami, and the Coptic weekly newspaper Watani. Still suspended are the Muslim Brotherhood's Al-Dawa and the Coptic Al-Kiraza Al-Murqassia. The latter is expected to reappear soon. Al-Dawa may not return at all due to the recent death of its publisher. In light of the 1982 court order restoring their right to publish, it is not clear why reappearance of the three was delayed until 1984, and why the other two remained suspended. However, the emergency law authorizes preventive censorship of all publications prior to their distribution at the Government's discretion. It also authorizes confiscation of publications and closure of publishing houses. A number of Muslim religious journals were not subject to the 1981 ban and have continued publishing unhindered.

A wide variety of foreign reading matter in both Arabic and other languages is readily available. On a few occasions in 1984, the authorities appear to have temporarily banned certain foreign publications, including the Saudi-owned daily Ash-Sharq Al-Awsat and the London-based newsmagazine Al-Majallah, also Saudi-owned.

### b. Freedom of Peaceful Assembly and Association

Under the emergency law, the Government can place limitations on the constitutionally guaranteed right of assembly. Permission is required from the Interior Ministry to hold a public meeting. Despite its emergency authority to restrict gatherings of government opponents, the Government has allowed opposition parties to hold numerous gatherings. With a few exceptions, the opposition parties and their candidates were free to stage rallies and public meetings as part of their campaign efforts for the Peoples Assembly election in May. In one widely publicized incident, New Wafd leaders alleged that security forces and National Democratic Party supporters disrupted a preelectoral mass rally by the New Wafd in Alexandria. The Interior Ministry contended that security officers intervened to preserve order when attendees began to fight among themselves. On another occasion, the authorities reportedly refused permission to opposition parties for a rally in Cairo to commemorate the anniversary of the U.N. Declaration of Human Rights. According to an Al-Wafd report in October, the Interior Minister instructed security officials to permit the holding of mass open-air rallies by opposition parties. In the past, the authorities had often required that these be held indoors, prompting complaints that this limited attendance.

About 20 to 25 percent of the work force is unionized. Every 50 workers in a given activity can form a committee which operates as a local union. These locals are affiliated with national unions. Workers at firms employing fewer than 50 persons can join a national union directly.

The principal function of the trade unions is to defend the rights of the membership in dealing with management on such issues as wages, worker welfare, and working conditions. Labor defines its interests on these issues and pursues them with few restrictions. Unions are entirely self-financed and spend their funds as they wish. The labor code provides for a system of arbitration to resolve wage and working condition issues, but omits any reference to the right to strike. Although discouraged by government and trade union leaders alike, strikes sometimes occur. In 1984, there were a few reports by opposition papers and other unofficial sources of scattered strikes in the construction, utilities, steel, and military production sectors. These incidents were apparently of a few days' duration at most and centered mainly on issues of wages, benefits, and working conditions peculiar to the factories and plants involved. In most cases, the strikes reportedly ended with management's pledge to act on workers' grievances, while in a few instances the authorities intervened quickly to restore the factories to normal operation.

Union leaders are elected at almost every level, but controversy exists over the legitimacy of these quadrennial elections. Following union elections held in November 1983, the opposition press alleged that balloting was rigged in favor of candidates backed by the National Democratic Party. Though these allegations appear exaggerated, improprieties may have occurred.

The controversy over the new social insurance law approved in April illustrates the readiness of the unions to challenge the Government on matters of critical importance to their rank-and-file. In response to the labor movement's opposition to the increases in workers' pension and severance pay contributions, the Government twice postponed implementation of the new provisions to permit government and union negotiators to reach a compromise. After the Government reduced the amount of the original hikes in worker contributions, the new social insurance plan was implemented

September 30. There are reports of discontent by some workers over the increased social insurance withholding, and this apparently was a factor in the violence at the textile center of Kafr Al-Dawwar in September.

Professional associations have been subject to government intimidation in the past, but have experienced increasing autonomy under Mubarak. The Bar Association has won two key court battles which remove vestiges of government controls, dating back to the Sadat era, over its affairs. In 1983, the Higher Constitutional Court ruled unconstitutional Sadat's dissolution in 1981 of the Association's duly elected Executive Council and its replacement by a government-appointed council. In April, the courts struck down a law mandating a new system of elections for the Association's council and, in so doing, reinstated the council members ousted by Sadat. This court decision also paved the way for new council elections under the pre-1981 procedures favored by Association members.

The April elections for the executive council of Egypt's medical syndicate reportedly were honest and free of government interference. According to postelection reports, candidates backed by the Muslim Brotherhood in alliance with smaller Muslim religious groups won 11 of the 12 council seats at stake.

The Egyptian General Trade Union Federation adheres to principles of neutrality and non-membership in international workers' organizations, except for the Organization of African Trade Union Unity, the Arab Labor Organization, and the International Confederation of Arab Trade Unions. The latter suspended Egypt's membership in 1978, in reaction to the Camp David Accords, and the Arab Labor Organization did likewise in 1979; the suspensions are still in effect. Formal ties are also discouraged between the Federation's constituent unions and international trade union organizations, but in fact some unions have established such affiliations. The Federation has signed at least one international cooperation agreement--with the AFL-CIO. There appear to be no restrictions on the international affiliations of professional associations, which have established numerous ties with organizations abroad.

In 1984 the International Labor Organization (ILO) requested the Government to change provisions of its legislation which have the effect of limiting the right to strike, which provide for only one national trade union organization, and which prohibit several categories of senior workers from joining trade union committees. The changes would bring Egyptian law into conformity with ILO conventions.

### c. Freedom of Religion

According to the Constitution, Egypt is an Islamic state which guarantees freedom of religious expression. The Constitution also guarantees all persons equality before the law regardless of religion. Egypt has a substantial tradition of religious toleration, and persecution or discrimination on religious grounds is not sanctioned by the Government. Islam and Coptic Christianity are the two major religions. Most Egyptian Jews emigrated many years ago and those few who remain appear to practice their faith without restriction or harassment from any source. Various Protestant sects operate, though they have a small following confined largely to the expatriate community. All organized religions may maintain links with coreligionists in other countries. Proselytizing of Egyptians is prohibited. Conversion from Islam, while officially not restricted or penalized, is discouraged in practice by the Government and seems to occur rarely. Proposals that would implement legal sanctions for conversion have been rejected on various occasion.

All faiths can, in principle, establish places of worship, run schools, and train numbers of clergy adequate to serve believers. Under a law dating back to the Ottoman era, non-Muslims must obtain numerous official permits, not required of Muslims, to build churches. Obtaining authorization can take years. Although there is no evidence that the Government uses the permit process to deny religious minorities the right to build churches adequate for their congregations, the effect of the law is to place official controls and limits on church construction. These permits are not required for the restoration and repair of existing churches.

Coptic Christians are the most significant indigenous religious minority and constitute about eight percent of the population. Copts work in all career fields, occupying many leadership positions in the business and professional communities. As a general rule, they participate fully in the life of the country. Copts by and large seem to enjoy equal access with Muslims to public employment, although there may be instances of discrimination against Christian applicants for government positions. Copts are sparsely represented at the uppermost levels of government: 2 of 33 ministers are Copts. In September, Al-Ahrar reported a court decision in favor of a Coptic official in the Interior Ministry who had filed suit alleging unfair denial of promotion to Undersecretary. The court ordered his immediate promotion to the position and nullified the original selection of another person. In the Peoples Assembly, 9 of 458 deputies are Copts. In October, President Mubarak appointed 2 Copts to the NDP's 14-member Politburo.

Though many Copts face prejudice and individual acts of discrimination from Muslims, there is no evidence that these acts are officially inspired or sanctioned. There are indications of anti-Copt discrimination in university admissions to some fields of medical study, but university officials have denied allegations that general admission procedures were revised in the fall to discriminate against Copts. Copts and other non-Muslims are not permitted to enroll in Cairo's Muslim religious-oriented Al-Azhar University, and the Government has denied a request to establish a Coptic university.

Some Copts have expressed concern that the resurgence of Islam may undermine minority rights, eventually reducing non-Muslims to the status of "second-class citizens." They cite the introduction several years ago of a bill which would replace the existing legal code with the Islamic Shari'a, and the election in May of Muslim Brotherhood members to the Peoples Assembly. These fears derive in part from the Islamic extremist-initiated violence of 1980-81 and also reflect concern about heightened religious feeling throughout the Islamic world.

Mubarak, while giving recognition to the nation's Islamic heritage, has emphasized publicly the full equality of Copts and other religious minorities with Muslims. The Government has made clear that Egypt, its Islamic character notwithstanding, remains a secular state governed by a civil law based on the Napoleonic code. Courts have upheld the supremacy of Islamic law only with respect to those few areas (inheritance and family matters) to which it is applied in the Muslim community. They have left untouched the constitutionally guaranteed freedoms of Copts and other minorities.

The Government has sought with success to defuse sectarian tension, which reached a peak in the period preceding Sadat's assassination. Reports of persecution and physical attacks on Copts by Islamic extremists have diminished sharply. In April, the national press reported the arrest in Fayyoum Governorate of 11 suspected Muslim extremists on charges of committing acts of arson against a Coptic bookstore and several automobiles owned by Copts. The Government continues to take substantial measures, such as posting security forces near Coptic churches, to protect the Coptic minority from violence at the hands of Islamic militants. In a May 1984 article, Pope Shenouda praised Mubarak for his crackdown on Muslim extremist groups and claimed that Muslim-Copt relations had improved since the sectarian violence of 1981. This view, which the Pope has repeated in statements to the press since his release, appears to be widely shared in Coptic circles.

Religious extremism has been dealt with severely, whether Islamic or Christian, and religious personalities of both faiths accused of fomenting sectarian strife were detained in 1981. All of these individuals have now been released, but some, including scores of Islamic prayer leaders and 26 Coptic bishops and priests, are still barred from resuming their former positions. Western observers have reported that most Coptic clergy not allowed to return to their home districts are able to function from nearby churches. There are occasional press reports of the apprehension of suspected Muslim extremists. In April the daily papers reported the arrest of 53 members of the banned Muslim extremist group Al-Takfir Wal Higra (Atonement and Holy Flight). Al-Wafd accused the Government in September of launching a campaign of arrests directed against persons associated with unnamed Muslim religious groups.

Political activity along religious lines is forbidden, and various Coptic and Islamic societies are legally proscribed. One partial exception is the Muslim Brotherhood--technically banned--whose activities appear to be tolerated so long as they do not threaten state security or foster sectarian tensions. In campaigning for the Peoples Assembly elections in May, the Muslim Brotherhood declared its alignment with the New Wafd Party, and eight of the group's adherents were elected on the Party's slate. In a postelection statement, the Interior Minister expressed the view that the elected Muslim Brotherhood deputies should be considered members of the New Wafd, as the Muslim Brotherhood itself is not a legally recognized group.

Egyptian law prohibits the use of places of worship by religious figures or others to criticize the State. In June, the opposition paper Ash-Shaab reported that 35 Muslim religious leaders had filed a court suit challenging the constitutionality of this restriction. While the Government maintains that sermons by Islamic and Coptic religious figures are not censored, various reports have appeared in the opposition press about Muslim prayer leaders being detained and questioned about their allegedly inflammatory, anti-government sermons.

Pope Shenouda III, whose recognition as Coptic Orthodox Church Patriarch was revoked by the Government in 1981, remained in government-enforced seclusion at a Wadi Natrun monastery for over three years until his release under Mubarak's decree on January 1, 1985. There did not appear to be any conditions or restrictions attached to his return to public life and full papal responsibilities. During his incarceration, attorneys brought suit on Pope Shenouda's behalf, challenging the legality of Sadat's 1981 decree which withdrew recognition of the Pope with respect to his official functions vis-a-vis the state. In 1983, the Administrative Court of the Council of State sustained Sadat's action. In addition, the court divested the Pope of his ecclesiastical powers, while, on the other hand, also canceling Sadat's appointment of a papal committee which had performed many of the Pope's functions during his enforced seclusion. This decision was under appeal at the time of his release.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement within Egypt is guaranteed except for travel in well defined military districts and--for foreigners only--in certain other areas. Except for limitations affecting males who have not completed compulsory military service, freedom of travel and emigration is guaranteed. However, a married woman must have her husband's permission to obtain her initial passport. Citizens who leave the country have the right to return. Some who left for political reasons have returned since Mubarak assumed office. There are no known cases of citizenship being revoked for political reasons. Egypt has a liberal policy on political asylum, and the extradition of political refugees is prohibited by law.

Under the current state of emergency, the Prime Minister has authority to restrict foreign or domestic travel. The opposition press has reported that the Government has used its emergency powers on occasion to prevent or hinder suspected Islamic militants from traveling abroad. According to other opposition press stories, however, the courts on various occasions have nullified Interior Ministry decrees forbidding the travel of some Muslim religious figures.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Egypt's political system is characterized by a strong President. He heads the National Democratic Party (NDP), which wields a substantial majority in the Peoples Assembly. As a result, power is relatively concentrated. Yet opposition parties are assuming a growing role in Egypt's political life. Opposition parties organize, publish their views, and, in some cases, represent their followers in the Peoples Assembly and on the local level. Mubarak has maintained the dialogue with opposition party leaders he began upon assuming office. He also appointed, for the first time ever, two opposition deputies to Egypt's five-member parliamentary delegation that attended the opening of the U.N. General Assembly.

## EGYPT

In addition to the NDP, there are five legally constituted opposition parties: the Socialist Labor Party, the Socialist Liberal Party, the National Progressive Unionist Grouping (NPUG), the New Wafd Party, and the Umma Party. There are indications that as many as five new parties may be formed in the near future. The law, in addition to prohibiting political parties based on religion, also forbids the formation of parties along class lines.

The largest and most influential of the opposition parties is the New Wafd, a revival of the Old Wafd, Egypt's major political party before the 1952 revolution. It was reborn in 1977, but suspended itself in 1978 when several leaders were banned by government action. When the New Wafd tried to resume activity in 1983, the Parties' Committee ruled that the party had no legal existence, a ruling the New Wafd challenged in court. In October 1983, the Administrative Court of the Council of State issued a decision recognizing the legitimacy of the New Wafd Party, suspending the Parties' Committee finding.

With the elections in May, the Peoples Assembly was expanded from 392 members to 458, of whom 10 are appointed by the President. Thirty-one of the elected seats are reserved for women. President Mubarak's NDP controls the Peoples Assembly with 395 seats, the New Wafd Party has 58, and others (all appointed) 5, giving the opposition greater representation than in the previous Assembly. Although a government defeat on a key issue is unlikely, the assembly is not a rubber stamp. Both NDP and opposition deputies can and do strongly criticize the Government. With increasing frequency, Assembly members call for parliamentary investigations into government actions or policies, requiring testimony of government officials. In voting, there is some crossing of party lines. In debates of proposed legislation, opposition members criticize government policies, present alternative ideas, and challenge government-sponsored legislation.

An electoral commission drawn from the judiciary is designed to insure that voting is conducted fairly and legally. It supervises parliamentary elections and is present in each district on voting day. Election voting can be invalidated if ballot-stuffing or other irregularities are found. Each party in the election may have observers at the polling places. Police are present to keep order. Losing candidates are entitled to challenge election results and seek redress in the courts. In a recent case, the courts ruled that an opposition candidate had been defrauded of victory in the 1979 Assembly elections and ordered payment of compensation.

In the Peoples Assembly elections in May, 43 percent of Egypt's approximately 12 million voters cast ballots. The elections were conducted under the July 1983 electoral law. The previous system of single-member constituencies was superseded by a party list system in which parties submitted lists of candidates for each of the 48 electoral districts. The parties fielded over 2,000 candidates. With few exceptions, resulting from an insufficient number of candidates in a given area, the opposition parties ran candidates in all districts. In each district Assembly seats were awarded in proportion to the number of votes for each party's list, subject to the requirement that a party receive at least eight percent of the total vote nationwide. With the stipulation that all candidates must run on party lists, the new law spelled the end of independent candidates, of whom there had been 900 in the 1979 elections.

In the vocal and hard-fought election campaign, the opposition, like the NDP, was free to publicize party platforms, meet with voters, place campaign banners in public places, and distribute campaign literature. The opposition complained, however, about inadequate television and radio time to address the voters. These complaints have some foundation, as each political party was limited to two 20-minute television slots during the campaign. While the opposition newspapers published their respective party positions in detail and criticized the performance of the NDP, the daily press devoted relatively little space to the opposition or their platforms.

The May elections are widely regarded as the freest and most competitive since the 1952 revolution. Electoral commission officials and party representatives, including those of the opposition, were present at polling sites. In postelection statements, the Interior Minister acknowledged that irregularities had occurred at 88 out of the more than 23,000 polling sites and said the Government would act to rectify abuses. The opposition charged the NDP and, to a lesser extent, security officials with committing widespread improprieties, including ballot-stuffing and voter intimidation. Reportedly, a number of losing opposition candidates have filed court cases challenging the election results. The indications are, however, that the improprieties were random, isolated events and that there was no systematic, government-supported effort to rig the elections.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

Egypt has signed the Organization of African Unity's African Human Rights Charter and has reaffirmed its commitment to the U.N. Human Rights Declaration and respect for related international conventions. The Government is responsive to queries from Amnesty International and other international groups about human rights concerns, including requests for visits. Within the Government, primary responsibility for international human rights matters rests with the Foreign Ministry's Legal Office and Office of International Organization Affairs.

Human rights groups exist in Cairo and in other large urban areas. Their activities are related mainly to the welfare of prisoners and to women's rights, although at least one organization is trying to mobilize public support on certain political issues. Thus far, the Government apparently has not interfered with their activities.

In its 1984 report, Amnesty International expressed concern about the detention of political prisoners, curbs on defendants' right of appeal in state security courts, allegations of torture and mistreatment of prisoners, and Pope Shenouda's confinement, since ended. Freedom House calls Egypt "partly free."

## EGYPT

### ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Egypt's population is about 47 million and its per capita gross national product was $686 in 1982. The Government has given priority to economic growth and economic liberalization and has continued the policy of trying to safeguard living standards in the face of worldwide inflationary pressures. The primary vehicle for this policy has been a massive subsidy system costing about $2 billion annually, 11 percent of total budgetary expenditures for fiscal year 1984-85. Most of this amount goes to subsidize bread, rice, tea, edible oil, butane gas, meat, and corn. As one result of this policy, caloric intake for the average Egyptian exceeds minimal nutritional requirements. The subsidy program assures ample supplies of basic necessities at fixed and affordable prices for consumers with limited incomes. Aware of the strain on the budget and the distortions this system introduces into supply-and-demand relationships, the Government is trying to reform the subsidy program through such measures as raising bread prices, stiffening eligibility requirements for subsidized items, and raising some energy tariffs.

With Egypt's population growing at an annual rate of 2.6 percent, the shortage of housing is one of its most acute problems. The five-year development plan, currently in its third year, includes an ambitious program for the construction of public housing for the less well-off.

Education and health services are free and available to the majority of Egyptians. Infant mortality is about 67 per 1,000 and life expectancy is 58 years. According to the most recent figures (1976), about 44 percent of adults are literate; the primary school enrollment ratio in 1980 was 86 percent of male youth, but only 61 percent of school-age females. University education is free to anyone who passes the secondary school completion exam. Assignment to faculties or schools is based on score rather than a prospective student's own choice (except for those with top scores).

Public sector and government employment policies aim at providing jobs for everyone, although population growth has made this increasingly difficult. The private sector is a growing source of employment opportunities. Egypt enforces strict laws limiting the size of landholdings in an attempt to guarantee equitable income and production opportunities in rural areas. The limit in "settled lands" (the Delta and Nile Valley) is 100 feddans (one feddan equals 1.04 acres) per family. Larger holdings are permitted and encouraged in "new lands," the desert areas being brought under cultivation through irrigation. Despite these policies, an expanding population living on a limited natural resource base has contributed to keeping per capita income below $700 per year.

By law, and in many respects in practice, equality of the sexes is the norm. Women vote, work outside the home, and can serve in the military. Women are represented in medicine, law, and education, and serve in the Peoples Assembly and the Cabinet. They are generally free to travel both internally and abroad, though a married woman must have her husband's permission to obtain her initial passport. A husband may subsequently rescind his permission and request that his wife's passport be canceled, though cases of this are rare.

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Under Islamic law, female heirs are entitled to one-half the inheritance amount that male heirs can receive. In rural areas and within more traditional communities, prevailing cultural values make it more difficult for women to pursue careers outside the home. In such households, by custom and by tradition, women occupy a subordinate role. Other appearances of discriminatory treatment between the sexes derive from ingrained cultural patterns which persist, despite government efforts to foster change.

Reinforcing the legal basis for equality of the sexes is the Family Law of 1979. It codifies the right of women to seek divorce, enhances child custody rights for divorced women, and stipulates that, in case of divorce, the woman is entitled to retain the family residence, provided the couple's children remain with her. In the courts, this law takes precedence over the legal codes of Islam and the Christian sects practiced in Egypt. The courts have rejected arguments by some Muslims that the law is unconstitutional because it is inconsistent with Islamic law.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: EGYPT

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 1064.9 | 1005.1 | 1104.1 |
| LOANS.............. | 262.0 | 238.3 | 237.5 |
| GRANTS............. | 802.9 | 766.8 | 866.6 |
| A.AID ................. | 771.0 | 750.0 | 852.9 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 771.0 | 750.0 | 852.9 |
| (SEC.SUPP.ASSIST.)... | 771.0 | 750.0 | 852.9 |
| B.FOOD FOR PEACE....... | 293.9 | 255.1 | 251.2 |
| LOANS.............. | 262.0 | 238.3 | 237.5 |
| GRANTS............. | 31.9 | 16.8 | 13.7 |
| TITLE I-TOTAL.......... | 262.0 | 238.3 | 237.5 |
| REPAY. IN $-LOANS..... | 262.0 | 238.3 | 237.5 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 31.9 | 16.8 | 13.7 |
| E.RELIEF.EC.DEV & WFP. | 17.9 | 5.2 | 0.4 |
| VOL.RELIEF AGENCY..... | 14.0 | 11.6 | 13.3 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 902.4 | 1326.9 | 1366.7 |
| LOANS.............. | 700.0 | 900.0 | 900.0 |
| GRANTS............. | 202.4 | 426.9 | 466.7 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 700.0 | 900.0 | 900.0 |
| C.INTL MIL.ED.TRNG.... | 2.4 | 1.9 | 1.7 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 200.0 | 425.0 | 465.0 |
| III.TOTAL ECON. & MIL... | 1967.3 | 2332.0 | 2470.8 |
| LOANS.............. | 962.0 | 1138.3 | 1137.5 |
| GRANTS............. | 1005.3 | 1193.7 | 1333.3 |
| OTHER US LOANS.......... | 44.4 | 8.4 | 0.0 |
| EX-IM BANK LOANS....... | 41.7 | 8.4 | 0.0 |
| ALL OTHER.............. | 2.7 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 507.1 | 491.0 | 528.2 | 4115.8 |
| IBRD | 465.0 | 350.0 | 458.0 | 2587.0 |
| IFC | 12.2 | 110.9 | 8.0 | 205.6 |
| IDA | 0.0 | 0.0 | 0.0 | 980.6 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 16.7 | 0.0 | 23.8 | 84.6 |
| UNDP | 8.2 | 2.1 | 0.0 | 96.7 |
| OTHER-UN | 5.0 | 0.0 | 13.4 | 43.3 |
| EEC | 0.0 | 28.0 | 25.0 | 118.0 |

## INDIA

India follows a multiparty democratic system based on the British parliamentary model, with an independent judiciary and a free press. Free elections are held regularly. National parliamentary elections were held on schedule December 24, 1984, despite the tragic assassination of Prime Minister Indira Gandhi only seven weeks earlier. The Constitution effectively guarantees basic human rights and proscribes discrimination based on religion, caste, sex, or place of birth.

India's democratic political system has remained stable and effective although the 19-month emergency period in 1975-77 introduced severe strains. The Government's record in support of human rights has been generally good. The independent judiciary and free press are important elements in maintenance of this record. However, social tensions and the pressure of rapid population growth complicate efforts to preserve political stability and human rights. Despite the Government's support for basic human rights principles, historical patterns of social discrimination based on caste, religion, and ethnic divisons have persisted. There are also frequent complaints from human rights groups and minorities that the police occasionally overstep their authority, particularly in rural areas.

The Congress (I) Party headed by Prime Minister Rajiv Gandhi won commmanding control of India's Parliament with a landslide victory in the December elections for the lower house. Congress (I) also controls the largely ceremonial upper house, as well as the legislatures of 14 of the 22 states. Other parties control six of the remaining states, while the central Government exercises direct control under a constitutional procedure known as "President's Rule" in Punjab and in Sikkim.

India's economy is mixed, with banks, air and rail transport, public utilities, and much heavy industry in government hands. The agricultural sector, the manufacture of consumer goods, and the supply of services are largely privately held. The Government has relaxed regulation of private business activity in recent years.

India is a secular state. Although 83 percent Hindu, India has a large Muslim population (about 80 million, or 11 percent). There are also sizable populations of Sikhs, Christians, Jains, Buddhists, and Parsis. In some outlying regions, there are locally important minorities or tribal groups, such as the Assamese and the Nagas.

India faces a number of problems based on centuries-old patterns of social discrimination. Untouchability is banned by the Constitution, but the caste system continues to play an important role in social and economic relations. Both national and state governments discourage social discrimination and provide programs designed to benefit groups that have historically experienced social discrimination. A national commission report still under consideration recommends strengthening these programs.

The situation in Punjab was the major issue of human rights concern in India in 1984. Sikh political agitation, complicated by a concurrent escalation of terrorism in Punjab, culminated in early June when the Government sent Army units into the Golden Temple, the Sikhs' most holy shrine. The

Government's decision to use military force to remove armed extremists who had fortified the Temple followed unsuccessful public and private negotiations. (The negotiations--conducted by leaders of the Akali Dal political party, who had initiated the political agitation in mid-1981, and representatives of the central Government--had focused on political issues involving territory, use of river waters, and Sikh religious demands.) Heavy fighting with the armed extremists inside the temple complex resulted in 574 deaths, according to government figures. Nonofficial sources claim the death total was much higher. Following this action the level of violence in Punjab dropped sharply.

Prime Minister Indira Gandhi's assassination on October 31 by two of her Sikh bodyguards triggered anti-Sikh rioting in New Delhi and elsewhere in northern India, resulting in the deaths of over 1,200 persons. Following his appointment as Prime Minister, Rajiv Gandhi appealed for an end to the anti-Sikh violence and ordered deployment of the army and other security forces to quell the disturbances. The Government also offered to pay compensation to the victims of the rioting. As a result of an investigation into alleged dereliction of duty by the police during the riots, several senior police officials have been dismissed, demoted, or reassigned.

Isolated acts of sabotage and terrorism still occur in Punjab. The province continues under President's rule without an elected government. A special terrorist ordinance permits preventive detention as well as closed trials for suspected terrorists. Punjab remains closed to foreign visitors without special permission to enter.

Incidents of communal violence increased and were reported in several parts of India in 1984. There were clashes both between religious communities (usually Hindu-Muslim) and between castes of different economic levels, particularly attacks on untouchables by higher-caste Hindus.

The state and central governments increasingly relied on paramilitary forces and the army to maintain law and order, leading to a rise in accusations of police brutality and torture, particularly in Punjab.

The issue of "bride burning" or "dowry deaths" (i.e. murders, usually by burning, of married women by their in-laws or husbands because their parents cannot satisfy dowry demands after marriage) continued to receive attention. Women's organizations and civil rights groups have called for more effective measures to protect women. In 1984 Parliament passed a bill to amend the Dowry Abolition Act of 1961, but many women's organizations allege that the changes are inadequate.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

The Government does not engage in political killing. Communal differences, exacerbated by the competing economic and political goals of various religious and ethnic groups, increase the occurrence of political killing. Mrs. Gandhi's assassination occurred at the hands of two members of the Sikh minority allegedly at the behest of an extremist Sikh political faction. Incidents of communal violence increased in 1984, resulting in an increase in reported deaths at the hands of various security forces.

Political agitation became increasingly violent in Punjab in early 1984, with frequent acts of terrorism against both Hindus and Sikhs. Terrorists in Punjab assassinated several prominent persons, including members of Parliament and the editor of a large newspaper chain in Punjab. Although these incidents involved both Hindus and Sikhs, there were many cases of Sikhs being killed by more extreme coreligionists. The bodies of some bore signs of torture. Some bodies were discovered just outside the Golden Temple precincts.

Fighting in the action initiated by the army in June in the Golden Temple complex was heavy. Official figures are 491 civilians and Sikh militants and 83 army dead in the two-day action in the Temple. Most nonofficial sources say the figure is much higher. The dead included the extremist leader Sant Jarnail Singh Bhindranwale.

Communal riots are a longstanding problem in India. After Mrs. Gandhi's assassination by two Sikh bodyguards, Hindu-Sikh violence exploded in New Delhi and several other cities in northern India as Hindu mobs attacked Sikhs and their property. Approximately 1,200 died in the Hindu-Sikh violence. Violence between higher Hindu castes and so-called "backward classes" or "scheduled castes" or "scheduled tribes" also took place in widely separated parts of the country in 1984. More than 200 people officially were reported killed during Hindu-Muslim communal strife in the Bhiwandi-Bombay region of Maharashtra in May. Hyderabad, Bangalore and Dharwar-Hubli in Karnataka, Gujarat, Madhya Pradesh, and several places in Uttar Pradesh also experienced communal violence. The communal death toll in 1984 easily surpassed the annual totals of any of the past three years.

In the northeastern state of Tripura, a guerrilla group, the Tripura National Volunteers, has been responsible since January for incidents of arson, looting, and murder. The same anti-Bengali sentiment which led to the massacre of over 3,000 people in neighboring Assam last year prompted these attacks, which have resulted in 46 deaths. Security forces there have been the targets of a number of incidents since late June. The Tripura state government, headed by a coalition dominated by the Communist Party of India, has resisted the Government's suggestions for deployment of troops to bolster security.

The law-and-order situation in Assam has shown marked improvement during the year. This year witnessed a few bomb incidents and occasional extremist violence, but government sources say they were able to close all relief camps in West Bengal to which some 23,000 Assamese residents had fled.

### b. Disappearance

The whereabouts of some of those arrested in Punjab since early June are not known. While the Government disclosed places of detention of most of the almost 400 prisoners held under the National Security Act, the whereabouts of most of those arrested or being interrogated under provisions of the Terrorist Affected Areas Act remain unknown. Some press accounts indicate that a large number have been taken out of Punjab, many to Rajasthan, where they have been interrogated by army personnel. Most recent reports suggest that some have been returned to Punjab to stand trial.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment.

Torture is prohibited by law. Under well-established and respected procedures, confessions, to be valid, must be made in the presence of a magistrate. Indian case law, extending over many decades, excludes from admission in court any confessions or information extracted through use of force or torture. Cruel, inhuman, or degrading treatment or punishment is also proscribed by law. The Government does not condone or encourage torture or cruel treatment.

Press reports often assert, however, that police torture occurs. Newspapers in 1984 reported police brutality against prisoners and suspects in a number of states. The 1984 Amnesty International report Torture in the Eighties charged that police brutality and torture have long been widespread. Police are often accused of staging mock "encounters" with suspects to conceal the fact that the victims had previously died in police custody. According to the Amnesty report, the use of brutal interrogation methods frequently resulted in the death of suspects in police custody. The police usually cite "suicide," "disease," "shock," or "injuries received prior to arrest," the report said, as causes of death, but post mortem reports usually indicated that the victims had died of multiple injuries sustained while in detention. The Indian press widely reports these incidents, and civil liberties organizations often launch their own investigations, but there have been few official inquiries.

There is no doubt that some police brutality is practiced in India, and conditions vary widely from state to state and by locality. However, there is no evidence that state governments direct or condone such violence.

Some press reports have alleged that the military in Punjab used torture to extract confessions and that army personnel were guilty of molesting women. These allegations are difficult to verify since most judicial proceedings are held in camera and have not been completed.

Prison conditions continue to be a matter of serious public concern. Facilities are crowded and pretrial detention may last for months or years. Press accounts reported the use of convicts for domestic work by jail officials in contravention of regulations; sexual abuse of some prisoners; and lengthy detention "for their own protection" of some women who had reported rapes to police. Some press reports claim that youthful prisoners are sexually abused by older prisoners and are forced to perform degrading or difficult physical labor for the authorities and for other prisoners.

According to a classification system dating from the colonial period, prison authorities grant different privileges to prisoners of different social status. Foreign nationals and political prisoners are entitled to larger or less crowded cells, better food, and other amenities than ordinary prisoners; some middle class prisoners are segregated from other prisoners and given more privileges. This system enjoys wide support in India.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides that a person in custody be told of the grounds for arrest, be given the right to be represented by counsel, and be brought before a magistrate within 24 hours of arrest. At that initial appearance the accused must be either remanded for further investigation or released on bail. These provisions are generally respected.

The Constitution permits the enactment of preventive detention laws against threats to the public welfare and to the national security. Such laws provide for limits on the length of detention, generally not to exceed 12 months, and for review of such detention. Two preventive detention laws are currently in force. One, used less frequently, permits the arrest of suspected "economic offenders." The other is the National Security Act, which the Government amended in June to make its provisions more stringent. Now the courts, in order to release a detainee held under this Act, must determine that all grounds for detention are invalid, rather than any one of them as before. Further, when a detention order expires, another can be issued, extending detention by up to another 12 months. Also, a detainee now can be held indefinitely after expiry or revocation of a detention order by a series of extensions, if authorities add new grounds for detention each time. The amended act also provides for detention for 24 months in the case of Punjab and Chandigarh.

Under the Armed Forces (Punjab and Chandigarh) Special Powers Act by which the army conducted military operations in Punjab, military personnel can arrest, without warrant, any person who can reasonably be suspected of having committed or is about to commit a cognizable offense. The act further provides that any person arrested or property seized under it should be turned over to the nearest civilian police station. This provision does not appear to have been universally followed.

In the aftermath of the Golden Temple fighting, the security forces arrested most moderate Akali leaders. By October, according to official figures, over 5,000 persons had been arrested in Punjab and Chandigarh (a Central Territory and capital of both Punjab and Haryana). Reliable nonofficial sources estimated that the number arrested was higher, although probably under 10,000. Most are held under provisions pertaining to terrorism which permit detainees to be held without charges while investigations proceed. According to official figures, of the 398 people detained in 1984 in connection with the situation in Punjab, 355 continued to be held by late August 1984.

Following the Golden Temple action but prior to the Gandhi assassination, the level of violence in Punjab dropped drastically. The military was able to return most law and order responsibilities to the central paramilitary and civilian police forces. Some troops withdrawn from Punjab in September and October returned following the assassination and consequent renewal of tensions. Individual acts of violence and sabotage continue to occur. Under the Terrorist Affected Areas Act which is in effect in Punjab, the authorities may arrest suspected terrorists without warrant. The precise number and whereabouts of persons held under this act are unknown.

Except as permitted by the Terrorist Affected Areas Act, incommunicado detention is not practiced. The process of habeas corpus is also available so that a detainee or his representative can petition for the detainee's release.

Exile is not a legally sanctioned punishment in India; there is no evidence that any Indian citizen was exiled during 1984.

### e. Denial of Fair Public Trial

There is no constitutional guarantee of public trial. The criminal procedure code provides for open trial, but also permits the judiciary to close the proceedings under relatively narrow circumstances. For example, the Official Secrets Act permits closed proceedings on the plea that publication of any evidence or statements would be prejudicial to the safety of the state. The Act requires, however, that the passing of sentence take place in public.

A new "Terrorist Affected Areas Act" promulgated July 14 empowers the Government to declare any part of the country "terrorist affected" and to set up special courts which can hold trials in camera. On July 23 the Government declared the whole of Punjab "terrorist affected" and set up three special courts for trying terrorists. At least four other special courts are planned. Because the trials are in camera, there has been no coverage in the public media. Although they are in process, there is no public indication that any cases have been completed. Although certain laws, such as the Official Secrets Act, provide for in camera trials, there are provisions that judgments must be delivered in open court.

The Terrorist Act effectively amends the previous Evidence Act to put the onus of proof of innocence on the accused. It applies to areas where there has been extensive disturbance of public peace for more than one month, and where violence was used against peacekeeping forces.

Except for these closed-trial procedures and the resultant changes in the law, as a general matter Indian legal procedures effectively assure fair trial. Defendants have the right to choose counsel, and effective appeal channels are available at each stage of the judicial process. Cases heard in the special courts set up in Punjab also may be appealed directly to the Supreme Court.

The Indian bar is independent of government at all levels. Judges of the state high courts and the Supreme Court are selected by the Law Ministry, following consultations with the Chief Justice of the Supreme Court. The central Government since 1983 has reversed previous practice and now appoints Chief Justices in states other than their states of residence. Although there was some apprehension among high court justices that the new practice could be used to remove judges who had given verdicts unfavorable to the Government, there has been no indication of any such abuse.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Indian law requires warrants for searches and seizures but also permits the police in a criminal investigation to institute searches without warrant if otherwise there would be undue delay. The officer must state in writing the grounds for making the search without a warrant and specify the object of the search. There is no indication that this provision has been abused.

The authorities continued to invoke special powers during 1984 in the "disturbed areas" of Assam and Punjab. Under the provisions of law governing disturbed areas, civilian authorities down to the rank of subinspector of police, and military authorities down to noncommissioned officer, are given exceptional authority, including to search and arrest without warrant and to shoot to kill in some circumstances.

The press has reported allegations of the tapping of telephones and interception of personal mail. Such surveillance is authorized by law "on the occurrence of any public emergency or in the interest of the public safety or tranquility." These terms are not specifically defined and thus lend themselves to a broad interpretation. A retired senior postal executive has written in the press that the Government runs "Post Research Centers" where mail from selected foreign countries is illegally censored. Censorship of mails under certain circumstances, such as public emergency, is legal. Aside from these instances, the Government does not routinely interfere in the private lives of Indian citizens.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The Constitution guarantees freedom of speech and, by extension, of the press. However, material which, in the view of government authorities, may incite religious or communal hatred is proscribed from print. In October the Punjab state government registered a case against an Indian citizen representing a foreign news agency under provisions concerning provoking riot and disaffection among communal groups. He had reported from Amritsar that some persons had been tied up and shot during an army operation there. The story also appeared in the Indian press. There is no indication that any other journalist was similarly charged.

Occasionally, some offending issues of publications, foreign as well as Indian, have been seized or banned. With the exception of maps of disputed borders, there is no prepublication censorship of domestic or foreign books or of artistic works.

A film censorship board passes on all films before they are licensed for distribution. The board excises material deemed overly violent or offensive to public morals or to religious and communal sentiment. Radio and television are government monopolies, and opposition parties often accuse both of favoring the ruling party.

Opposition viewpoints enjoy wide dissemination in print media, and many political parties control their own newspapers or journals. The press in general is lively and free, and there are no restrictions on it concerning criticism of the Government. Press censorship was imposed in Punjab immediately following the army action in June. Prior to the Gandhi assassination, censorship regulations were still technically in force, but not actively applied. Following Mrs. Gandhi's death, the Government embargoed material reporting anti-Sikh communal rioting. There is a tradition of investigative reporting, and the press has given major coverage to individual instances of questionable political maneuvering, mistreatment of women, "undertrials" (i.e., persons who have yet to be sentenced), corruption by public officials, and prison conditions.

### b. Freedom of Peaceful Assembly and Association

As a hallmark of India's independence struggle, Indians consider the right of peaceful assembly and association an extension of freedom of speech. Groups and parties of all persuasions may assemble freely, and no hindrance is imposed on the size of gatherings. For reasons of crowd control, however, permits and advance notification to police are required in some instances.

Trade unions may organize, negotiate, and strike with relative freedom. The right to form associations and unions is guaranteed in the Constitution. The Industrial Disputes Act of 1947 (as amended) provides for governmental conciliation of disputes and for prohibition of strikes and employer lockouts while such a dispute is under adjudication. The 1981 National Security Act permits a ban on assemblies which threaten the "public order" and on rare occasions can be used against strikes. More specifically, the Essential Services Maintenance Act (ESMA) of 1981 permits government intervention to ban strikes and to immediately institute conciliation in essential industries. This power is used only "in exceptional circumstances" and has been invoked on 10 occasions since its institution, according to the Home Minister's statement in Parliament in August 1984. Five of these ESMA applications involved foreign policy considerations (e.g., 1982 Asian Games, 1983 NAM and Commonwealth meetings) and one was directed at the more general agitation in Assam which peaked in 1982-83. The ESMA was applied against a threatened strike in the coal industry in July 1984, but was not applied in the long and costly but apolitical dock strike of 1984.

There is heavy emphasis on political activity by unions representing the relatively few workers in the economy's modern sector. Although political parties exercise strong influence on their trade union wings, the unions are independent. Four-fifths of the labor force is in the rural sector, where unemployment and underemployment are endemic, and where organization into effective unions is difficult. Employer associations and trade unions, as well as government labor officials and mediators, play a prominent role in developing industrial relations norms in both the private and public sectors.

As many as 1 million Indian citizens are working abroad. Charges that unscrupulous employment agencies exploited these out-migrant workers led the Government to establish a Directorate in the Ministry of Labor in 1984 to monitor and regulate employment of these workers.

Unions and professional bodies are free to maintain contact with international bodies. The Indian National Trade Union Congress and the Hind Mazdoor Sabha are affiliated with the International Confederation of Free Trade Unions. The All-India Trade Union Congress is affiliated with the Soviet-supported World Federation of Trade Unions (WFTU) and the Center of Indian Trade Unions attends WFTU meetings as an observer. Indian trade unions have complained several times in recent years to the International Labor Organization's Committee on Freedom of Association, charging violations in India of ILO conventions and recommendations. The two Marxist trade unions usually have presented these complaints. According to ILO documents, the Government has cooperated in the Committee's investigations.

In its 1984 report, the ILO's Committee of Experts reviewed the Indian Government's efforts to abolish the now-outlawed system of bonded labor. The committee urged the Government to take the necessary steps to pursue that goal more effectively.

### c. Freedom of Religion

All religious groups are allowed to worship freely and government policy favors no one religious community. However, communal tensions and violence based on religious differences occur with increasing frequency. Although foreign Christian missions are generally not allowed to replace retiring foreign missionaries with other foreigners, there is no legal bar against proselytizing by Indian Christians.

During the cycle of political agitation and violence in Punjab, and particularly after the June military action, Sikhs, including many who had no political affiliation, have charged the central Government with anti-Sikh discrimination. The Government and many non-Sikhs say that the Government was forced to take strong action to halt the violence and to remove terrorists and weapons from places of worship. In the first days following Mrs. Gandhi's assassination, anti-Sikh mobs, particularly in New Delhi, raged out of control. To quell the violence the Government deployed the military, issuing shoot-to-kill orders against rioters. After bringing the situation under control, the Government instituted a program of compensation for victims of the violence. Despite conciliatory statements by the new Prime Minister urging communal peace, some Sikhs doubt the Government's sincerity. Some separatists have sought asylum abroad, claiming persecution because of their religion or political beliefs. Although Sikhs, particularly young males, are usually subjected to more careful security precautions than are others in certain situations (e.g., airport security), Sikhs generally are treated equally under the law. The President is a Sikh.

In the first weeks after the June Army action, there were several press reports of Sikh troops (enlisted men and some noncommissioned officers) having deserted their units to go to Punjab. It is believed that rumors that their most sacred shrine had been destroyed in the fighting impelled these soldiers to desert. In at least one case, that of a Sikh Training Center for recruits in Bihar, the deserting troops killed their commanding officer. In several cases, newspapers gave accounts of soldiers firing at random at passersby on the road as they went towards Punjab. The number of deserting troops is unknown, but many estimate it to be 1,500 or more. Regular army units have apparently captured or killed most of them but a few remain at large. The precise whereabouts of those captured is unknown.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

India has admitted millions of refugees since independence in 1947. The vast majority of those who wanted to remain has been granted citizenship and integrated into the society.

In Assam, migration of Hindus and Muslims from what is now Bangladesh led to violence in early 1983. As a result of the disturbances, a large number of Bengali-speaking people from Assam moved into West Bengal. However, with the improvement of the law-and-order situation in Assam, the 23,000 people who, according to West Bengal authorities, had been in relief camps there have now returned to Assam.

A large number of Tamils, as many as 51,000 by June 1984 according to official figures, have come from Sri Lanka since July 1982. Most arrived since the current ethnic disturbances in Sri Lanka began in mid-1983 and have remained in the state of Tamil Nadu. According to the Indian press, the Indian Government has provided shelter and training to certain Sri Lankan Tamil terrorist groups. The Government has denied these reports.

Several thousand Afghans have entered India since the Soviet invasion in 1979. Many have since departed to other countries. Although India does not as a rule formally recognize Afghans as refugees, there is no evidence of forcible repatriation. The U.N. High Commissioner for Refugees operates an office in India under the umbrella of the U.N. Development Program's Resident Representative.

There is full freedom of movement within India for all citizens with the caveat that travelers to certain sensitive border areas must obtain special travel permits. Foreign travel and emigration are without political restrictions, and in 1977 the rules for obtaining a passport and necessary foreign exchange were liberalized and simplified. More than 3 million Indian citizens now live abroad. There are no special restrictions of movement applied to women or other groups. In mid-1984 the Government tightened visa requirements for foreigners coming to India so that now virtually every non-Indian must have an entry visa.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

India is a functioning multiparty democracy. The Constitution grants universal adult suffrage to all citizens over 21. Regular elections are held at every level. By law, a parliament can be constituted for no more than five years.

An Election Commissioner, whose responsibilities are defined in the Constitution and who is responsible only to the President, administers elections. Although this arrangement ordinarily makes supervision of the electoral machinery impartial, there were allegations in 1983 that the Commissioner had followed the central Government's desires in holding elections in Assam even though the question of who constituted "legal voters" in that state had not been settled. This issue remains unresolved, and Assam did not join the rest of the country at the polls in 1984.

## INDIA

The Constitution empowers the President to declare a state of emergency or "President's Rule" on the advice of the Prime Minister in the event of war, external aggression, or internal disruption; collapse of the constitutional machinery in any state; or the financial breakdown of the federal or any state government. President's Rule has been in effect in Punjab since October 1983 and in Sikkim since May 1984. In August 1984, Parliament amended the Constitution to allow for President's Rule to be extended for an additional year beyond the previous limit of one year. Following amendment of the Constitution, Parliament immediately authorized President's Rule to be extended for a second year in Punjab.

A multitude of state and national parties are in active opposition to the Congress (I) Party, which holds power at the national level and in 14 of India's 22 states. The parties represent every shade of the ideological spectrum and freely contest elections at all levels. No group, whether social, religious, or linguistic, is denied political participation or suffrage.

There are no legal barriers to female candidates, although their numbers have remained small since independence. The late Prime Minister, Indira Gandhi, was a woman. There are, after the December 1984 elections, 42 women in the lower house of Parliament, and 22 in the upper house (of authorized memberships of 507 and 244 respectively).

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

No international investigations of the human rights situation in India are known to have been made since 1978. India is a member of U.N. bodies such as the Human Rights Commission. There are several independent Indian human rights organizations, including the People's Union for Civil Liberties and the People's Union for Democratic Rights. These organizations periodically send study teams to report on specific situations. In November, these two organizations published a detailed report on their joint inquiry into the anti-Sikh violence which followed the Gandhi assassination. The report accused, often by name, Congress (I) politicians and party activists of instigating and directing the violence and of interfering with the work of the police.

Several women's groups monitor the status of women and were active in 1984 in agitating against "dowry deaths" and for stengthening legislation against dowries. They have also protested the exploitation of women in films, advertisements, and newspaper photographs. Some women's groups have also sought to improve the legal status of women under various statutes which govern the separate religious communities and provide for different treatment of women, according to their religion, in such areas as divorce, custody of children, and ownership of property.

The Parliament and press continue to be the most significant channels for reporting human rights violations. In 1984 the press focused attention on violence against women, including "dowry deaths", rape and other physical violence; conditions in jails; and exploitation of low-caste, harijan (untouchable), or tribal people in rural areas.

## INDIA

In its 1984 report, Amnesty International expressed its continuing concern about the use of preventive detention legislation to detain political opponents of the Government and about widespread reports that people arrested had been tortured and ill-treated by the police. It noted that it continued to receive occasional reports of deaths in custody and of extrajudicial killings in staged "encounters" by the police, and that judicial executions, which had been temporarily suspended, had been resumed. Freedom House calls India "free."

### ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The Indian Constitution calls on the Government to endeavor to minimize inequalities in income, facilities, and opportunities for all citizens. Indian economic policies have been defined in a series of five-year plans since 1950, which have sought to establish a framework for realization of these objectives. In India's mixed economy, the private sector produces 80 percent of the gross national product (GNP) and accounts for 93 percent of employment.

India's population is 746,388,000 with an estimated growth rate of 2.3 percent. Life expectancy at birth is 55 years and the infant mortality rate is 116 per 1,000 live births. The per capita GNP in 1982 was $257. Adult literacy is 36 percent. Only 33 percent of the population have access to safe drinking water. The ratio of calorie supply relative to nutritional requirements is 89 percent.

In both health services and education, there are great differences between rural and urban areas. The rural crude death rate exceeds the urban rate by 42 percent, and the rural infant mortality rate exceeds the urban by 43 percent. The difficulty in providing adequate health, nutritional, and family planning services in the countryside continues as a serious constraint to reducing both mortality and fertility rates among the rural poor.

There has been a steady decline over many decades in the ratio of women to men. Women die in larger numbers than men, and the female infant mortality rate is higher. Both phenomena may reflect the greater economic value associated with males, especially in northern India, and consequent nutritional and health-care neglect of females in poorer homes.

Although women are guaranteed equal rights and protection under the law in India, in practice longstanding cultural biases cause them to have fewer educational and career opportunities. In 1984, attention has focused on "dowry deaths," the death under suspicious circumstances of women whose parents have been unable to pay a supplementary dowry demanded by the husband's family after marriage. In New Delhi, which is perhaps the worst affected area, 690 women reportedly died of burns under suspicious circumstances in 1984. Most cases drew scant attention; according to a study that one women's organization made on bride-burning in Delhi, more than two thirds of the instances are investigated as accidents rather than murder. Since 1979, of the 110 cases in New Delhi listed under "abetment to suicide" and 94 under "murder", only 12 resulted in conviction. Most reported cases of "dowry deaths" have been in northern India, and most are in lower middle class urban families. There has been increasing agitation for legal protection, and Parliament has taken up the issue, so far without resolution.

## INDIA

Education and literacy have both expanded rapidly since independence. Primary school enrollment, which was 43 percent in the 1950-51 school year, rose to 67 percent in 1979-80. School and college enrollments are noticeably higher for males (78 percent) than for females (55 percent), and are lower for children from disadvantaged groups such as scheduled castes and tribes. Certain castes and tribes are "scheduled" for the purpose of assigning benefits of governmental action to relieve disadvantages resulting from social factors.

Scheduled castes (including the so-called untouchables or harijans) make up 15 percent of the population. The tribal people are an estimated 7 percent. The Government has met only modest success in its efforts to improve the positions of these groups and some programs have had the unintentional effect of mobilizing the upper castes against efforts to benefit the disadvantaged. These programs include a quota system in educational enrollments, preferences for housing and government jobs, and reserved seats in Parliament for members of the scheduled groups.

Press reports of violence against scheduled castes or scheduled tribes have decreased from previous years. The basis of such violence is often economic, involving perceived threats to the economic position of higher castes by lower economic groups demanding legal minimum wages or land tenancy. The Government provides some legal and physical protection to the victimized groups, and in the last two years the judiciary has taken an increasingly hard line against perpetrators of mass killings of harijans by handing down death sentences.

The report of the Backward Classes Commission instituted in 1979 was released in mid-1982 and is still under consideration at both state and national levels. The report covers not only the scheduled castes and tribes, but a number of other communities considered "backward." A number of castes are trying to be included on the growing list of "backward" communities in the hope of obtaining special government compensation and consideration for jobs. The Commission's main recommendations involve more than doubling the number of reserved seats in education and government employment from the 22.5 percent provided under the Constitution to 49.5 percent.

Bonded labor is proscribed by law but nevertheless persists. Estimates of the number of affected laborers vary between 500,000 and 2.5 million, depending partly on the definition used. There has been considerable parliamentary and press debate over this practice, widely criticized in India as an unfortunate legacy of feudalism and poverty. Most vulnerable are landless, unemployed rural workers hired by small enterprises, particularly in the construction industry. The workers are placed in debt and kept there indefinitely by revolving loans from employers. In recent years the Supreme Court has taken a particularly active role in pressing responsible state and central government agencies to enforce protections against bonded servitude.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: INDIA

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 221.8 | 209.5 | 213.3 |
| LOANS.............. | 79.0 | 64.4 | 61.5 |
| GRANTS............. | 142.8 | 145.1 | 151.8 |
| A.AID ................. | 98.5 | 89.0 | 87.5 |
| LOANS.............. | 79.0 | 64.4 | 61.5 |
| GRANTS............. | 19.5 | 24.6 | 26.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 123.3 | 120.5 | 125.8 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 123.3 | 120.5 | 125.8 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 123.3 | 120.5 | 125.8 |
| E.RELIEF.EC.DEV & WFP. | 10.6 | 21.0 | 10.7 |
| VOL.RELIEF AGENCY..... | 112.7 | 99.5 | 115.1 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.1 | 0.1 | 0.1 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.1 | 0.1 | 0.1 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.1 | 0.1 | 0.1 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 221.9 | 209.6 | 213.4 |
| LOANS.............. | 79.0 | 64.4 | 61.5 |
| GRANTS............. | 142.9 | 145.2 | 151.9 |
| OTHER US LOANS.......... | 29.6 | 6.8 | 0.0 |
| EX-IM BANK LOANS....... | 29.1 | 6.4 | 0.0 |
| ALL OTHER............. | 0.5 | 0.4 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 2286.8 | 2179.0 | 2766.1 | 20739.5 |
| IBRD | 1264.8 | 1087.9 | 1721.4 | 7251.3 |
| IFC | 89.2 | 15.2 | 43.7 | 289.9 |
| IDA | 900.0 | 1063.0 | 1001.0 | 12655.5 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 32.8 | 12.9 | 0.0 | 221.2 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 321.6 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

# IRAN*

Five years after the 1979 ouster of the Shah and the advent of the Islamic Revolution, Iran remains a revolutionary state. The regime is in the process of consolidating the revolution and building new political and social institutions. The war with Iraq, which began in 1980, continues with little hope for a negotiated settlement in the near future. An insurgency in Kurdish areas began about five years ago and continues.

Iran terms itself an Islamic Republic. Its formal system, based on the Constitution approved in 1980 by popular referendum, follows a parliamentary pattern with a legislature, the Majles, and a president elected by universal suffrage. Elections, however, are not free in that all candidates for office must be certified by the Interior Ministry as meeting Islamic criteria. Iran is "Islamic" in its constitutional directives that all laws and regulations should be based on Islamic principles and that Iran should be governed under the leadership of Ayatollah Ruhollah Musavi Khomeini, and in the constitutional provision for a Council of Guardians, which reviews legislation to assure that it complies with Islamic law.

The regime officially derives its legitimacy from the elected Majles and from Islam. In practice, its hold on power is reinforced through intimidation, terror, and other harsh methods. Although the trend is toward greater adherence to constitutional guarantees of human rights, particularly since December 1982, these guarantees are still frequently ignored. Iran's political elite is composed of a group of Muslim clerics of the predominant Shi'a sect and laymen who have aligned themselves with these clerics. Opposition elements have not posed a serious threat to the regime since mid-1981 as a result of a government campaign to suppress political dissidents following a series of bombings that killed many political leaders.

The regime, however, is not monolithic, and there are major differences on economic issues such as private property ownership, government versus private control of foreign trade, labor versus management-oriented industrial policy, and on strategy for the war with Iraq.

Economically, Iran is an oil-rich developing country. In the years before the revolution, it experienced rapid but uneven economic development. The disruptions of the revolutionary period caused serious economic deterioration. In the last two years, however, the economy has shown some improvement. Oil revenue has been sufficient to fund enough imports of food to prevent hunger, and a rationing system assures that available supplies of basic necessities are distributed in a reasonably equitable manner. Inflation and unemployment are high, and corruption and black market activities flourish.

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* Because of the absence of a United States Mission in Iran, this report draws heavily on unofficial sources.

## IRAN

The regime is strongly Islamic and does not share Western concepts of individual freedom. Dissent from the political and religious views of the leadership is repressed. Many aspects of Islamic law and culture, including manner of dress, are imposed on everyone. Members of officially recognized religious minorities--Jews, Christians, and Zoroastrians--are allowed to practice their religions but face official discrimination. The Baha'is, another religious minority in Iran, are not officially recognized by the regime; they are viewed as heretics and suffer from severe persecution by the Government. The regime remains strongly anti-Zionist and is distrustful of religious minorities, but there have been no reports since mid-1982 of arrests due solely to the religious affiliation of members of recognized religious minorities.

In its war with Iraq, Iran began a major offensive in February 1984 resulting in the occupation of a salient of Iraqi territory along the southern front. Since then, the war has been stalemated. Iranian cities have been subjected to missile and bombing attacks which have caused considerable damage to civilian areas and considerable loss of civilian life. Chemical weapons were used by Iraq against Iranian troops in early 1984. The war has proved costly to both sides. Iran claims that over 100,000 of its soldiers have been killed since the war began in 1980. Economic resources have been diverted from development to the war effort. Both sides have attacked economic targets such as oil export terminals and factories. Iran also claims, plausibly, that the war has created about 1 million refugees.

Iran holds an estimated 45,000 to 50,000 Iraqi prisoners of war (POW's). Iranian treatment of POW's became more contentious during 1984, with the International Committee of the Red Cross (ICRC) charging that Iran was uncooperative in allowing the ICRC to visit POW's and that Iranian treatment of Iraqi POW's, including proselytism, is contrary to the Third Geneva Convention, to which Iran is a party. The Government asserted that it had not only a right but a duty to carry out religious and political proselytism among the Iraqi POW's.

While Iran's human rights record continued to show serious abuses, there has been improvement in the past two years, particularly after December 1982 when Ayatollah Khomeini made a highly publicized eight-point statement, much of which focused on human rights issues. His speech decreed that censorship of mails and telephones was to cease, entry into private homes without a search warrant was forbidden except in cases involving suspected opposition hideouts, the right to travel outside Iran was extended to most Iranians, and the tests designed to measure bureaucrats' loyalty to Islam were to be discontinued. A Headquarters for the Enforcement of the Imam's Decree, headed by the chief justice of the Supreme Court, was established with branch offices in most provincial cities. Thousands of complaints were received and a number of local officials removed. Although many abuses continue, conditions have improved over the immediate postrevolutionary period, and the institutional framework to correct some human rights abuses is in place.

The revolution involved immense social upheaval. The majority of the members of the prerevolutionary upper classes, as well as major segments of the middle class, have fled, particularly those closely connected with the Shah's regime. Thousands were executed during the first four years of the new regime, and many more thousands were arrested, with victims including not only supporters of the former regime but also large numbers from the original revolutionary coalition. Having eliminated most potential sources of organized internal opposition, the regime in the past two years has appeared to feel more secure and has been refocusing its energies on the institutionalization of the new order. As in 1983, there were far fewer killings and fewer arrests in 1984 than in the preceding years. Nonetheless, abuses continue, including arbitrary arrests, torture, and summary executions.

Persecution of the Baha'is has increased to the point that Iran's Prosecutor General effectively banned all Baha'i religious and institutional activities in an August 1983 order. His order provides the legal basis on which the regime can move against all Baha'is in Iran if it chooses to do so. At least 29 Baha'is in custody were killed in 1984, and 750 or more remained in prison.

There is considerable circumstantial evidence pointing to Iranian involvement in or support of terrorist activities in various parts of the world. Although these charges have been denied by Iranian leaders, these same leaders have defended terrorism as a legitimate policy instrument, particularly as a means of combatting what they view as superpower dominance of Third World countries.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

Reliable statistics are not available on the number of people killed in Iran for political or religious reasons. Although sustained efforts have been made by Iranian exile groups and independent human rights organizations to compile lists of persons executed, all are dependent on rumor, on reports from persons who have been released or escaped from Iranian prisons, and on incomplete official announcements. Some reports come from opposition political groups that have reason to inflate the figures. There is a consensus that, although it is not nearly so high as it was in the years 1979-82, the rate of political killing remains significant--probably amounting to several hundred victims in 1984. Aside from purely political killings, at least 29 Baha'is were killed for religious reasons in 1984, in addition to at least 165 killed in previous years.

The vast majority of executions for political or religious causes are performed in provincial areas following convictions by local revolutionary courts. Others have been convicted by revolutionary courts in Tehran or executed in Tehran's major prisons without benefit of trial.

Amnesty International's 1984 annual report recorded an estimated 5,447 executions in Iran between February 1979 and the end of 1983; the report noted, however, that "the total number of executions was certainly much higher, with hundreds of executions reportedly taking place unannounced."

Apart from the Government itself, political killings continued to be carried out by opposition groups, including the

Mojahedin-e-Khalq, a terrorist organization sometimes known as the People's Mojahedin Organization of Iran. Although now supported by many Iranians who are seeking any alternative to the current regime, the Mojahedin have carried out numerous political killings directed against the Shah's Government, against the U.S. Government, and, after breaking in mid-1981 with their policy of fervent support for Ayatollah Khomeini and the Islamic Revolution, against the present regime. Many innocent persons have been killed when large bombs were exploded in public places, and several religious leaders have been the victims of suicide missions by persons, believed to be from the Mojahedin, carrying grenades. The regime's repression of the Mojahedin, including the killing over a three-year period of thousands of suspected members and sympathizers, has reduced but not eliminated the threat of this group within the country. For instance, at least 24 persons were killed in bomb explosions in Tehran in August and December.

Killings related to the insurrection in the Kurdish area also continue. Although there are no reliable statistics, there have been many deaths resulting not only from fighting between dissident Kurdish groups and the regime and from regime forces' summary executions of Kurds in captured territory, but also as a result of internecine fighting among Kurdish groups.

### b. Disappearance

Disappearances are seldom permanent in Iran. People are arbitrarily arrested or carried off, they are held without charge, and some are summarily executed; the society, however, is not tightly controlled, so a persistent relative can usually determine who was responsible for the arrest and locate the detainee. Although many relatives are not officially informed of executions, they seem to find out and can often confirm rumor by checking burial records at Tehran's cemetery.

There are, however, some cases of long-term or permanent disappearance. One report obtained by Amnesty International stated that sometimes opposition members are listed as "killed while resisting arrest" when in fact they are still alive and in jail. The supposition is that they will be severely tortured while in jail, and may well die as a result. Arrest in most of these cases is believed to be the work of the Revolutionary Guard and to be sanctioned by the regime.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Stories of torture in Iran's prisons are rampant and cover a wide range of inhuman practices. Nine cases are known of prisoners who died in prison in 1984 following torture, but the actual number is believed to be much higher. Beatings of all kinds appear to be common. Prisoners are beaten on the soles of their feet until they can no longer walk. Others have had damaged kidneys as a result of being kicked and beaten with sticks. There are stories of men whipped in the testicles. Only 3 in 10 were reported to survive this treatment in one cell block at Evin Prison in Tehran, Iran's largest and most notorious. Mock executions are a favorite method of torture there, along with blindfolding, and solitary confinement. There are stories of women being held with their children, and the children forced to watch while the mother is beaten, or themselves beaten in the mother's presence. Female prisoners have described frequent rapes in addition to the beatings received.

This torture occurs in government prisons or in government houses in which prisoners of special interest are held for questioning. Presumably it takes place with the sanction of top officials. Many of the published first person reports relate to events in 1981 and 1982; there is, however, no indication that treatment has improved since then. Many of these reports come from individuals who themselves were in the prisons, and who, in some cases, actually experienced the torture. As these stories are widespread and consistent, there is little reason to doubt their veracity. In some instances there are confirming medical reports.

The regime is in the process of revising Iran's civil code to conform more closely with Islamic law. There are no reports of amputations under Islamic justice in Iran, nor are there reports that it includes stoning. There are reports of floggings, both as a means of torture and as a formal punishment, but there is no information which indicates how many persons have been flogged for which crimes.

The jails are grossly overcrowded. Those who were detained at the Central Komiteh estimated that there were 1,000 to 1,500 people held in a facility built for 500. Toilet facilities are inadequate or totally lacking. Medical treatment is not available, unless the guards believe a prisoner will break and "confess" if enticed by treatment of his wounds. Food is inadequate and sometimes full of dirt and bugs, and prisoners are herded from place to place like animals.

In its report Torture in the Eighties, Amnesty International expressed concern that torture has become a routine practice in at least some Iranian prisons and noted in particular two kinds of ill-treatment of prisoners: the officially sanctioned punishment of prisoners by whipping, and the torture of prisoners held in incommunicado detention during interrogation to extract confessions.

### d. Arbitrary Arrest, Detention, or Exile

Arrests for expression of views critical or different from those of the Government are quite common. They have decreased during the past two years largely because of the widespread fear of arrest. If there is a formal accusation, the charge is usually subversion, anti-regime activities, or treason. There is also evidence that many persons are arrested on trumped-up criminal charges (for example, on drug charges) when their actual "offenses" are political; the lack of fair trials and other procedural safeguards encourages such a practice. Political arrests are usually made by members of the Revolutionary Guard. Arrests by Komiteh members were common, but the Revolutionary Guards have increasingly assumed this role. In political cases, there normally are no warrants for arrest. There is no judicial determination of the legality of detention in Iranian law, nor are there any other legal protections. Detainees are frequently held for long periods without charge, and in some cases have been tortured, only to have the mullah (Muslim cleric) who supervises the prison apologize subsequently for the mistake. For political crimes, no access to a lawyer is permitted. Cases are heard, if at all, by the revolutionary judiciary. Bail is not legally permitted.

Although the Constitution does guarantee many basic human rights, the revolutionary court system ignores these provisions in practice. There are no reliable estimates of the number of persons arbitrarily arrested in 1984, but the number is probably in the thousands. Amnesty International has reported cases of opposition members whom the Government has listed as "killed while resisting arrest" but who in fact are being held incommunicado.

Persons suspected of involvement in anti-regime activities are all subject to the same procedures. They are arrested by members of the Revolutionary Guard. Those suspected of minor offenses are held for questioning at local Revolutionary Guard offices. Sometimes they are released after several hours or several days, a process that may be repeated two or three times before the authorities decide the detainee is innocent or that he is guilty and should be jailed. Other suspects are taken directly to one of the prisons where they may be held for weeks, months, or even years prior to being released or executed. Some who have been released report being called for questioning on several different occasions. In some cases a mullah is involved, in others it is unidentified questioners, sometimes including torturers. It is also unclear whether this questioning constitutes a trial by a revolutionary court or whether it is part of the investigative process.

### e. Denial of Fair Public Trial

It is not known how many of those executed had a trial of any sort. There are reports of opposition activists being called before revolutionary judges, usually mullahs, having the charges against them read and then being taken out to be shot. Most of these reports date from the 1981-1982 period. In the past two years, the number of executions has declined, but there is no evidence that procedures have changed.

So-called trials of major opposition figures are sometimes telecast, but no trial by a revolutionary court can be called fair or public. If the trial is given publicity, it is generally because the prisoner has been forced to confess to crimes against the State.

There is little information regarding trials for common criminal offenses. Many elements of the prerevolutionary judiciary survive, and common criminals often have the right to a public trial with benefit of a lawyer of their own choosing, assuming they can afford the fee. Even this judiciary is not independent. Many of the former judges were retired after the revolution, and new judges selected. One criterion for new judges was grounding in Islamic law, and political acceptability is an absolute requirement for any government position. Assignment of cases to regular rather than revolutionary courts is haphazard and apparently occurs mainly when arrests are made by regular police.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government is attempting to remake Iranian society according to Khomeini's interpretation of Shi'a Islam. It rejects the Western distinction between a public sphere which the Government may control, and a sphere of private life (religion, culture, thought, and private behavior) which the

State may not properly control. The regime defines itself as Islamic and attempts to enforce a way of life asserted to be Islamic.

Since Khomeini's eight-point decree of December 1982, Iranians have enjoyed greater freedom in their private life. One of the eight points was that no one had the right to enter private homes without a warrant. An exception was made for suspected hideouts of opposition groups. The decree did say that if Revolutionary Guards entered a home believing it to be an opposition hideout and found they had made a mistake, they were to depart, even if they had found evidence of un-Islamic activities such as the presence of alcoholic beverages. The decree also stated that mail should not be opened nor telephones tapped unless there was good reason to suspect anti-regime activities. Homes are still entered, mail is still opened, and phones are still tapped, but much less so than previously. Moreover, Iranians now have a decree by Khomeini himself on which to base complaints. A Headquarters for the Enforcement of the Imam's Decree was set up, as were a number of provincial and local offices. These offices, which appear to be still in operation, received thousands of complaints about violations of rights of privacy.

A special unit of the Revolutionary Guard checks on social activities. Women whose clothing does not completely cover the hair and all of the body except hands and face, or who are wearing make-up, are subject to arrest. If they are, in the words of the Prosecutor General, "reformable," they may be lectured and released. If considered defiant, they may go to jail.

The schools are apparently used by the regime to assure that families of students behave in an "acceptable, Islamic manner." Emigres report that children are asked about the habits of their parents, and un-Islamic behavior is reported to Revolutionary Guard units.

Neighborhood Komitehs, which originally acted as "block wardens," checking on the activities of residents, seem to be less active now. There have been efforts to disband them and many may have in fact disappeared.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The Constitution states that "publications and the press may express ideas freely, except when they are contrary to Islamic principles, or are detrimental to public rights." In practice, most publications are controlled by the Government or by the Islamic Republican Party, and the remaining independent publishers run the risk not only of shutdowns of their presses but of arrest and summary punishment if they are overly critical of the regime. Examples of such punishments were sufficiently numerous during the first years of the regime to retain a severe chilling effect in 1984, although no further examples were reported. Nevertheless, some independent publishers continued to survive, and both books and articles critical of the regime were published without reprisal. All broadcasting facilities are government-owned.

Academic freedom has increased in the last two years, with universities not only reopening but also under looser constraints. The regime remains committed, however, to the elimination of all "un-Islamic" influences, and textbooks are reviewed to determine their acceptability. Foreign books, newspapers, and magazines are either not permitted, or may be imported only after review.

b. Freedom of Peaceful Assembly and Association.

Although the Constitution permits unarmed assemblies and marches "provided they do not violate the principles of Islam," the only assemblies and marches permitted in practice are those sponsored by the Government such as Friday prayers and sermons and parades on official occasions. There were numerous cases during 1984 of spontaneous gatherings or marches to protest shortages or regime actions, but these were forcibly dispersed. The suppression of a large demonstration in Mashhad in September apparently resulted in some deaths. The Constitution permits parties, groups, professional associations, and both Islamic and minority religious associations, but most independent organizations have either been banned or are moribund. Although the outgoing Majles had included opposition party representatives, restrictions on freedom of speech and assembly discouraged the participation in the 1984 elections of any party other than the semiofficial Islamic Republican Party.

There are no labor unions. It is believed that there are "Islamic workers councils" in some factories. These, however, are more instruments of government control than bodies that represent workers' interests. Several short-lived strikes in 1984 were dealt with severely. The leaders of a soft-drink plant workers' strike were reportedly arrested and executed.

c. Freedom of Religion

Iran terms itelf an Islamic republic, and religion is closely intertwined with government. "His Eminence and Supreme Holiness the Ayatollah Imam Khomeini" (as he is referred to in the Constitution) is recognized as the supreme leader, and this position is viewed as holding something akin to divine sanction. The President and many other top officials are mullahs (religious leaders), as are the Speaker of the Majles, and roughly half of the Majles deputies. Ninety-two percent of Iranians are Shi'a, and seven percent are Sunni Muslims, but the Sunnis tend to be located in tribal areas remote from Tehran. Their political influence is nearly nil. The Constitution declares that "the official religion of Iran is Islam and the sect followed is Ja'fari Shi'ism," but it also states that "other Islamic denominations shall enjoy complete respect." Although Sunnis have encountered religious discrimination on the local level, and in many cases persecution based on ethnic origin, the regime has made efforts to reduce Shi'a-Sunni antagonism.

Tests of Islamic knowledge and orthodoxy, required in the early postrevolutionary years for public or semipublic employment and enrollment in higher education, have been dropped in the past two years on the grounds that they conflict with the constitutional provision that "the interrogation of people regarding their beliefs is forbidden." This provision is ignored, however, in the treatment of members of the Baha'i faith.

The Baha'i religion is not recognized in Iran and Baha'is have suffered severe persecution since the revolution. This is mainly government-directed and aimed at the religious leadership, although there were some instances earlier of mob action against Baha'is. Baha'i property has been confiscated, shrines demolished, businesses disbanded or confiscated, and known Baha'is denied employment by the Government. These measures effectively deny employment to most urban Baha'is. Much of the Baha'i religious leadership has been arrested, as have many ordinary Baha'is. Charges are vague; "crimes against God," "corruption on earth," "warring against God," and "Zionism" are among the most frequent. The real reason for the arrests seems to be advocacy of Baha'ism. A minimum of 750 Baha'is are in jail. At least 194 have been executed or have died following torture since the beginning of the revolutionary period, at least 29 during 1984.

In August 1983, the Prosecutor General issued an order that effectively bans all Baha'i religious activity, and provides the legal foundation on which virtually all members of the faith could be charged with crimes: participation in social welfare organizations is forbidden, as are the business corporations the Baha'i operated; and teaching of the faith, even by parents to children in the home, is not permitted. There is concern that these actions may mark the beginning of even more severe measures. Although the Baha'i national leaders dissolved the community's organizations in obedience to the Prosecutor General's edict, they were subsequently arrested, and at least some were executed.

There are small Christian, Jewish, and Zoroastrian (the pre-Islamic religion of Iran) populations, concentrated mainly in urban areas. These religions are recognized by the Constitution, and they elect representatives to seats reserved for them in the Majles. They are permitted to practice their religions, to instruct their children, and in some cases to maintain schools. There have been reports of religious persecution of these minorities, particularly in the early stages of the revolution. They continue to have problems with the regime over religious practice, and some members of all three groups suffer officially sanctioned job discrimination.

An article that appeared in 1983 in an Armenian-language publication complained about the regime's interference in Armenian schools, and the fact that the regime insisted that Armenian girls wear Islamic clothing. Although the article cited abuses, it is significant that it appeared at all. The Constitution states that recognized religious minorities shall be free in matters related to teaching and that the teaching of ethnic-language literature is permitted. Nevertheless, all Armenian schools were closed during much of 1984 due to the Government's insistence that no courses could be taught in the Armenian language, that Armenian schools could not use Armenian-language bibles to teach classes on Christianity, and that the Armenian schools would have to teach Christianity on the basis of Farsi texts provided by the Government. Armenian schools reopened in October after an informal compromise was reached, but their status remains precarious.

Jewish groups report fewer such problems because the language spoken in Jewish homes and informally among Jews is Farsi. In parts of Iran, Zoroastrians reportedly are considered "unclean" and are required to warn barbers, launderers, and restaurant owners that their service will be for "unclean" people, so that they can decide whether to serve such clients.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Iranians may travel temporarily to any part of Iran, except perhaps for the war zone on the border with Iraq, and, in times of heavy fighting, some Kurdish areas. Such limitations as exist are for purposes of military security. Persons may also change their place of residence without obtaining official permission.

Travel outside Iran is considerably easier than before the spring of 1983. Khomeini's decree of December 1982 included the right to travel abroad. Prior to that time passports and exit visas had been difficult to obtain. Males of draft age are not issued exit visas except for approved courses of study, and Iranians who are politically suspect, such as some retired military officers and high level public officials under the former regime, may not be able to leave. Also denied exit visas are individuals who still owe loans obtained from development banks under the old regime. Reportedly some Iranians, particularly those with skills in short supply, and who were educated at government expense, are required to post bonds to obtain exit visas.

With the exception of those with close ties to the former regime, Iranians are generally able to return after long periods abroad without reprisal. Not all citizens who leave, however, are guaranteed the right to return. Iranians suspected of close association with the old regime have encountered problems obtaining new passports, and a few have been arrested on their return. However, numerous other immediate relatives of persons wanted by the regime seem able to live in Iran, travel outside, and return without undue difficulty.

Iranian passports have always been stamped "not valid for emigration," but the Government does not make a clear distinction between legal residence in another country and emigration. According to the regulations, Iranians with a legal residence outside Iran may be issued passports and advance exit visas by the Iranian embassy, consulate, or interests section in their country of residence. Iranians who have acquired U.S. citizenship are considered Iranian (in effect dual nationals) unless they have formally renounced their Iranian citizenship. Dual nationals have complained that the Iranian Interests Section in Washington, D.C., will neither give them visas in their U.S. passports nor issue them Iranian passports and exit visas on the grounds that their residence in the U.S. is not legal because, according to Iranian law, they emigrated illegally. Although such services may be denied, there are no known instances of the denial of Iranian citizenship to Iranians who left Iran, or to those who have remained there.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Iran is ruled by a group of religious leaders and their lay associates. All leaders share belief in Ayatollah Khomeini as the supreme leader of the revolution and in the legitimacy and desirability of a theocratic state based on his interpretation of Shi'a Islam. Of Iran's political parties, only the Islamic Republican Party is represented in the Government, and most high level government officials belong to it. The party has no unified stand on economic and social issues and represents conflicting viewpoints on them. Although the party's founders may have envisioned a single-party state structure, many of them were killed in mid-1981, and the party now has no discernible political significance, although roughly half the winning candidates in the 1984 Majles elections were members.

Beginning a year after the Shah's departure, the revolutionary regime has held elections at fairly regular intervals for President, Majles deputies, members of the Council of Experts (responsible for choosing Khomeini's successor), and members of local government councils. All elections have been hard fought, generally with several candidates for every position. All candidates must be approved by the Interior Ministry, however, and only those meeting with the approval of the Government may run. In practice, only supporters of the theocratic state are accepted. There has, however, been considerable diversity of opinion among candidates on economic and social questions.

Elections for the Majles were held in April, with run-off elections in May for the sizable number of races in which no candidate received a majority in the first round. The Iran Freedom Movement, which had been represented in the outgoing Majles, declined to enter candidates on the grounds that a fair campaign was not possible under prevailing political conditions, and only the Islamic Republican Party and nonpartisan candidates participated in the elections. Competition for the seats was nevertheless keen, and voting had to be repeated in 16 constituencies where the results were disputed.

The Majles holds genuine debates, normally broadcast live on radio, on a wide variety of issues. In some cases, laws proposed by the Government have been voted down. Five Cabinet ministers lost their posts in August when, following heated debate on the performance of the Cabinet, they failed to win votes of confidence, and on several occasions during the year the Prime Minister's nominees to fill ministerial vacancies were rejected. Rejection of bills and officials by the Majles is accepted by the executive branch.

Iran's Constitution provides for a Council of Guardians composed of 12 members, 6 clerics unilaterally appointed by Khomeini and 6 lay members who are well grounded in Islamic law and who are nominated by the head of the Judicial Council subject to the approval of the Majles. The Council of Guardians must certify all bills passed by the Majles as being in accordance with Islamic law and the Constitution. If bills fail to be certified, they are sent back to the Majles for revision. They cannot become law until the Council has certified them. The Council of Guardians has rejected various important bills and portions of bills passed by the Majles, including legislation on land reform, nationalization of foreign trade, and reform of Iran's civil code.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The regime in Iran is disdainful of foreign human rights groups, government-sponsored or independent. The Iranian ambassador to the United Nations declared on December 7 that Iran would not hesitate to violate any provisions of the Universal Declaration of Human Rights which it considered inconsistent with Islam. There have been no visits by any humanitarian group with the exception of the International

Committee of the Red Cross (ICRC), which has visited Iraqi prisoners of war (POW's). During the August visit of the Foreign Minister of the Federal Republic of Germany, however, the regime agreed to a future bilateral colloquium to discuss human rights in Iran. There are no internal human rights groups. At its 1984 session, the United Nations Human Rights Commission voted to appoint a special rapporteur on the human rights situation in Iran. The Government of Iran has refused to allow him entry to prepare his report.

Iran was the subject of a critical paragraph in the 1984 report of the International Labor Organization's Committee on the Application of Conventions and Recommendations. Focusing on the treatment of Baha'is and others, the committee expressed its "profound concern" over the Government's failure to comply with the Convention on Discrimination in Occupation and appealed to the Government to reexamine its position. Amnesty International has written to Iranian officials, including Khomeini, protesting violations of human rights in Iran, but has received no reply. The 1984 report from Amnesty International expressed concern over the large number of executions, numerous allegations of torture and other forms of ill-treatment of prisoners, the imprisonment of prisoners of conscience, denial of fair trial to political prisoners, and religious persecution, particularly of Baha'is. Freedom House rates Iran "partly free" and explains this upgrading of its previous rating in terms of improvement in the electoral and parliamentary processes and in the right to privacy.

The ICRC has had access to some POW's, but not to all of those believed held in Iran. In a special appeal to the Permanent Representatives to the U.N. in Geneva on November 23, President Hay of the ICRC stated that "...the repeated and systematic nature of the Iranian violations of the Third Geneva Convention is so serious that the ICRC feels that if it did not have recourse to this exceptional measure, it would jeopardize by its silence not only the lives of tens of thousands of men, but also the very future of humanitarian law."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

There are no reliable statistics for the postrevolutionary period. The following World Bank economic and social indicators should be taken as rough estimates based in large part on statistics from the mid-1970's. In 1984, the population was about 43.8 million with a population growth rate of 3.1 percent. Life expectancy at birth is 60.3 years, and the infant death rate is 112 per 1,000 live births. The adult literacy rate was 36.2 percent in 1976. The primary school enrollment ratio in 1981 was 77.4 percent (90.5 per cent for boys but only 63.5 percent for girls). Universities were closed in 1980-81 but have reopened.

The gross national product (GNP) in 1982 was estimated at $66.5 billion, $1,620 per capita. This represents a sharp drop from the 1977 GNP of $77.8 billion and per capita GNP of $2,160, particularly when inflation is taken into account. The economy improved modestly in 1983 but was at best static in 1984.

Nearly all export income comes from petroleum. Oil exports averaged about 1.6 million barrels per day for most of 1984, significantly below the average of 1.9 million barrels per day in 1983. This level was sufficient, in combination with a major drawdown of foreign currency reserves, to permit the import of essential civilian items and of enough war materiel to maintain the war against Iraq. Luxury items are still difficult to find, and there are still shortages of essential items, but these shortages are less severe than during the first two years of the revolution. Support for the regime comes mainly from the urban lower classes, and the Government has taken care to see that the basic needs of this group are met. Economic problems have been far more severe for the middle- and upper-income groups who formerly enjoyed lives of comparative luxury.

Ultraconservative dress, entirely hiding the hair and all of the body except the face and hands, is now an absolute requirement for all women, regardless of their religion, national origin, citizenship, or diplomatic status. Women are harassed, detained, or physically attacked if they appear in public in clothing which official or self-appointed guardians of public morality deem insufficiently modest. There were also incidents in July in which men were attacked on the streets of Tehran for dressing in "un-Islamic" fashion, such as wearing short-sleeved shirts or failing to button all their shirt buttons. Employment opportunities for women are more restricted than was the case under the Shah. Women are legally barred from being judges. Although there are cultural barriers making employment in professional level positions difficult to obtain and maintain, women do work as lawyers, physicians, and statisticians, and in other professions in both the public and private sectors. Several women serve as deputies in the Majles.

The Family Protection Act, passed under the Shah, was revoked by the Islamic government, and replaced by a civil code reflecting Islamic law. A bill passed in mid-1983 did, however, give women the right to divorce their husbands, and regulations announced in 1984 substantially broadened, to 12, the number of grounds for which a woman may seek divorce. A husband may still obtain a divorce without having to state a reason or go to court. The new marriage regulations provide for improved financial settlements for wives whose husbands divorce them.

### U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
### (U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: IRAN

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL | 0.0 | 0.0 | 0.0 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 0.0 | 0.0 | 0.0 |
| A.AID | 0.0 | 0.0 | 0.0 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 0.0 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.) | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE | 0.0 | 0.0 | 0.0 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 0.0 | 0.0 | 0.0 |
| TITLE I-TOTAL | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL | 0.0 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST | 0.0 | 0.0 | 0.0 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 0.0 | 0.0 | 0.0 |
| PEACE CORPS | 0.0 | 0.0 | 0.0 |
| NARCOTICS | 0.0 | 0.0 | 0.0 |
| OTHER | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL | 0.0 | 0.0 | 0.0 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL | 0.0 | 0.0 | 0.0 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 0.0 | 0.0 | 0.0 |
| OTHER US LOANS | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS | 0.0 | 0.0 | 0.0 |
| ALL OTHER | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL | 0.0 | 4.7 | 0.0 | 1257.8 |
| IBRD | 0.0 | 0.0 | 0.0 | 1144.5 |
| IFC | 0.0 | 0.0 | 0.0 | 33.3 |
| IDA | 0.0 | 0.0 | 0.0 | 0.0 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 0.0 | 4.7 | 0.0 | 65.4 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 14.6 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

# IRAQ

Iraq was carved out of the former Ottoman Empire at the end of the First World War. It contains many disparate groups, most notably Shi'a and Sunni Arab Muslims, Kurds, Turcomans, and various Christian sects, predominantly Assyrians and Chaldeans. Periods of political instability and violence often involved rivalries among these groups. Since Iraq gained its independence from Britain in 1932, successive regimes were toppled until the Ba'ath Party came to power in 1968.

The country is governed by the Arab Ba'ath Socialist Party of Iraq ~~through~~ a Revolutionary Command Council (RCC) which has both executive and legislative authority under the Provisional Constitution of 1968. Saddam Hussein holds nearly absolute power as President of the Republic and Chairman of the Council. The central Government appoints city mayors and the 18 provincial governors, who have extensive administrative powers. A National Assembly, elected in 1980 and again in October 1984, has limited authority and is guided by Ba'ath Party views.

Political rights are sharply limited. The news media are subject to censorship. Anti-regime activity is dealt with harshly, often by extralegal means employed by a large and feared internal security police force and the intelligence services. Summary executions may be carried out because of suspected active opposition to the Ba'ath Party, for factional reasons, or as punishment for poor performance in military operations.

The human rights picture marginally improved in 1984. Arbitrary arrests and other repressive practices may have diminished somewhat following the removal of the former intelligence services chief in late 1983. The Ba'ath Party's ideological commitment to the equality of women and protection of religious minorities continued to be translated into practical action, including the doubling of the percentage of women elected to the National Assembly. Conflict between government forces and a major Kurdish dissident group decreased as the two sides sought a political accommodation. Also, Iraq apparently has maintained its distance from terrorist groups in 1984, including the "Black June" organization, which had resided in or transited the country until Iraq expelled its leadership in 1983. Another terrorist group that had enjoyed Iraqi support, the May 15 group, apparently was suppressed before or during 1984.

The war of attrition with Iran continued in 1984. Iraq strengthened its defense as Iran's offensive abilities weakened. Nonetheless Iran continued to reject Iraqi and international calls for a cease-fire, and to use both military action and terrorism in efforts to change Iraq's secular political system and national identity. The war has rallied popular support against Iran, in spite of the death or capture of over 125,000 Iraqi soldiers and the wounding of additional thousands. Even so, in the name of national security, the regime has imposed increased controls and further abridged individual rights. An August 1984 RCC decree prescribes the death penalty for anyone who damages the country's military, political, or economic position. Wartime travel restrictions, which prevent most Iraqis from departing the country, remained in effect throughout 1984.

## IRAQ

Most fighting in 1984 was waged near the border, and civilian areas were hit on both sides. Iraq has attacked shipping serving Iranian ports, while Iran has attacked ships serving neutral ports in the Gulf. Iraq declared a week-long unilateral cease-fire on civilian centers in February, but did not extend it following Iranian air raids on Iraqi towns. However, a U.N.-sponsored moratorium on attacks on civilian centers went into effect in June and greatly reduced such attacks. Several Iranian ground offensives led to fierce fighting and considerable casualties. In March, independent investigators confirmed that Iraq had used prohibited chemical weapons to combat a renewed Iranian invasion attempt.

Iranian prisoners of war (POWs) in Iraq are estimated at approximately 10,000. Most are believed to be registered with the International Committee of the Red Cross (ICRC), which visits the camps. Iraq has threatened to reciprocate Iranian treatment of POWs. In the past, POWs in Iraq were believed to have faced instances of physical mistreatment and inadequate diet, but the ICRC reported that treatment in 1984 has been more satisfactory. In December, Iraq successfully pressed for U.N. inspection of the conditions of POWs in both countries.

The Government historically has devoted a large proportion of its oil export-based income to national development and improvement of social services. Reduced oil exports and wartime military expenditures have forced reduction, but not abandonment, of social welfare and development projects.

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

### a. Political Killing

Execution has been an established method for dealing with perceived political and military opponents of the Government, particularly members of the outlawed Da'wa Party (fundamentalist Shi'a Muslim) and the Communist Party. In October 1983, Amnesty International stated that it had the names of 520 political prisoners reported to have been executed since 1978. Members of the political elite have also been executed as a result of factional conflict, although no such executions are known to have occurred since 1982. In 1983, the military conducted aerial attacks on Kurdish villages suspected of supporting Iranian military incursions into Iraq or harboring anti-government guerrillas, resulting in unknown numbers of casualties. Also, mass executions were reported of members of Iraqi Kurdish tribes that fought with Iran against Iraq. By 1984, disciplinary demotions and cashiering appeared to have replaced the summary executions of ineffective military officers occasionally reported earlier in the war.

Evidence, including that collected by a U.N. delegation to Iran in March, indicated that Iraq had used lethal chemicals to repulse an Iranian invasion attempt along the southern sector of the battlefront. Medical tests on Iranian soldiers in Japan and Europe tended to confirm Iranian allegations that Iraq had employed at least lethal blister agents in the fighting. Iraq denied that it had used chemical weapons. Iraq is a party to the 1925 Geneva protocol banning use, but not production, of lethal and incapacitating chemical weapons. There are indications that Iraq continues to stockpile lethal agents, but no evidence that Iraq has used chemical weapons since the February-March invasion attempt.

Until 1983, terrorists or their associates who resided in or transited Iraq with the apparent acquiescence of the Government carried out assassinations and assassination attempts abroad. Two such groups were the Black June Organization led by Sabri al-Banna or "Abu Nidal," and the May 15 Organization under Husayn Mohammed Al-Umari, or "Abu Ibrahim." However, Iraq evidently had withdrawn its support for these groups in or by 1983. In an October 1983 interview with French journalists, President Hussein said Iraq had ceased all financial and other assistance to Abu Nidal, among others. The Black June group was expelled from Iraq the following month. Likewise, the May 15 Organization has remained out of sight since late 1982, although it may have attempted an unsuccessful operation in 1983. It reportedly was suppressed by mid-1984.

The Iraqis themselves have been the victims of terrorism supported by Syria and Iran. Iranian-backed terrorists bombed the Air Force headquarters and a broadcasting station in Baghdad in April 1983; attempted to hijack an Iraqi Airways passenger flight from Cyprus in September 1984; and bombed Iraqi diplomats' cars in Athens and a busy commercial district in Baghdad in December 1984. Iraq also reported that it prevented or broke up other planned terrorist attacks.

### b. Disappearance

Iraqi emigrants have reported that some suspects, particularly those detained by the security police for subversion, disappear following detention. It is difficult in such cases to ascertain whether the suspect has been executed or has died while incarcerated. In October 1983 Amnesty International submitted to Iraq the names of 114 people whose whereabouts remain unknown since they were abducted between 1979 and 1982.

In recent years anti-government Kurds in northern Iraq have kidnapped some foreign workers and businessmen, but the number of such kidnappings was believed to be small in 1984. Ransom demands have included money, a halt to Western economic cooperation with Iraq, and support for the release of prisoners in Iraq. Victims generally have been released following negotiations involving overseas Kurdish representatives, the victims' employers, and Iraqi security organizations.

### c. Torture and Cruel, Inhuman or Degrading Treatment or Punishment

The Constitution prohibits torture and prescribes stiff punishment for it, and the Government rejects charges that it practices torture. Nevertheless, reliable reports make clear that both physical and psychological torture are used by the authorities, especially the security police. Given the rigid chain of command within the Government and security services, it is unlikely that torture could be practiced without the authorization of senior officials.

According to former prisoners, persons detained by the security police for political or security-related matters are frequently tortured and mistreated. Treatment is reported to be worst immediately following arrest and during the period of interrogation and investigation, which can last for months. Torture and brutal treatment are not limited to political cases. Security-related offenses include such routine criminal matters as currency violations.

A 1981 medical investigation of released prisoners submitted to the U.N. showed a uniform pattern of torture. In a special human rights report on Iraq in 1983, Amnesty International said it had asked the Iraqi authorities to examine 23 deaths under torture reported since 1976. Among the torture practices cited were suspension from rotating ceiling fans, beatings, electrical shocks, and insertion of wires into the body. Psychological measures reported elsewhere included threats of mutilation to the prisoner and mistreatment of his family. Foreigners, including an American and several Arabs, also have suffered extreme physical and mental abuse while in prison or under detention. Although little reliable information on torture in Iraq is available for 1984, unconfirmed reports indicate that it may have diminished.

### d. Arbitrary Arrest, Detention, or Exile

The Constitution and legal code guarantee the rights of citizens and place checks on police powers in such areas as arrest, detention, imprisonment, and search. These guarantees are generally respected in criminal cases, but have little weight in political or "national security" cases. Security police not only make arbitrary arrests but also secretly detain suspects, whose fate sometimes has become known only after execution. Charges have included espionage, treason, and conspiracy against Iraq or the Party and Revolution, often in collaboration with unnamed foreign foes.

Over 30,000 Iranians and Iraqis of alleged Iranian descent were summarily expelled to Iran in April 1980 and tens of thousands more were reported expelled subsequently. While such deportations have ceased, those remaining live under the fear of deportation or incarceration. Many "Iranian" families have been in Iraq for generations. Some say their forebears were not from Iran but claimed the nationality to evade Ottoman military conscription. Citizens considered to be of Iranian origin bear special identification, often precluding desirable employment or impeding advancement.

Iranian military deserters and civilians who fled to Iraq during the war have been detained and sometimes mistreated. Some are held incommunicado. Most of these people reportedly came to Iraq, after long and hazardous journeys through Kurdistan, in response to Iraqi propaganda promising good treatment and easy access to third countries. Many reportedly have been imprisoned as suspected spies and interrogated intensively. There have been frequent allegations that some have been shot or beaten with rubber hoses and metal cables. Some Iranian refugees reportedly have been coerced to collaborate with Iraqi propaganda despite the danger to family members in Iran. When, after many months, these emigres are designated "political refugees," their treatment improves and outside organizations gain access to them.

In recent years Amnesty International has reported the imprisonment or detention of large numbers of Kurds. Reliable figures are not available. However, there were reports in 1983 that hundreds of relatives of Kurdish fighters who joined

Iranian invasion forces during an offensive that summer were arrested and detained in unknown locations outside of Kurdistan. Kurdish representatives abroad charge that the Government falsely accused 8,000 to 20,000 young men of cooperation with Iran, and detained them in desolate areas.

Since the replacement of the head of the general intelligence directorate in late 1983, it is believed that the numbers of political prisoners and arbitrary arrests have declined and that most of those now detained are considered security threats. The Da'wa Party, a violent dissident Shi'ite group, is still proscribed, and its members are subject to incarceration and execution. The Government has arrested Da'wa suspects' family members, including women and children. In mid-1984, Iraqi emigres reported that over 100 Assyrians were arrested throughout Iraq. Family members have had no news about those arrested, who apparently were suspected of involvement in subversive activities.

### e. Denial of Fair Public Trial

Trials in civil, criminal, and religious courts are open. Defendants are entitled to counsel. A lawyer is provided if a defendant cannot afford one. Charges and evidence are available for review. Appellate courts hear cases not under the jurisdiction of the revolutionary courts. The revolutionary courts, which usually hold closed trials, hear such crimes as espionage, treason, smuggling, and drug trafficking. The right of defense in such courts reportedly is severely restricted. The "special courts" constituted by the Revolutionary Command Council for specific incidents, such as the reported conspiracy against the regime in 1979, are also closed. These special tribunals are apparently exempt from constitutional safeguards of defendants' rights. The right of defense is proscribed; defendants are held incommunicado, and confessions extracted by torture are used against the defendants. Appeals can be taken only to the Chairman of the Revolutionary Command Council, the President. However, the availability of this appeal may be ineffective, since there are reports that executions take place shortly after trial.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides protections for the inviolability of the home, and strong cultural values reinforce these protections. Police must obtain a search warrant before entering the home of a criminal suspect. Warrants are not required for the arrest of security suspects. While most arrests occur outside the home, there have been reports of forced entry and arrest by the security police, particularly of suspected members of the outlawed Da'wa Party.

There is no legal protection against the monitoring of telephones, which many Iraqis believe to be a common practice. Likewise, all mail is believed subject to review by censors. Government security services and the Ba'ath Party are generally assumed to maintain pervasive networks of informers.

Membership in the ruling Ba'ath Party is viewed as a key to advancement inside and outside the Government. Although the Ba'ath is an elitist party, recruitment can be aggressive.

Some emigrants have claimed that they joined the Party to avoid beatings or harassment or to enhance career prospects.

Certain ethnic and religious groups within Iraq traditionally reside in particular areas of the country. Kurds, for example, have strong roots in the north. The Government has sometimes tried to force changes in settlement patterns. Mass relocations of Kurds took place in the mid-1970s. More recently, families and villages of the Barzani tribe were forcibly resettled following the participation by tribe leaders and members in Iran's 1983 invasion of northern Iraq. Rather than allow Iranian Kurds displaced by the war to remain in the northern mountainous terrain to which they are accustomed, the Government is holding this large population in detention camps elsewhere. One such camp, located in the desert west of Baghdad, is believed to contain up to 25,000 people.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The Government views political dissent as a security threat, and controls exercise of the rights of speech, press, and assembly. The Constitution prohibits "any act aimed at undermining the national unity of the people, provoking racial, sectarian, and regional bigotry, or violating gains and achievements of the country." Nonetheless, the use of minority languages is unrestricted. Kurdish, an official language, is used with Arabic in schools and media in Kurdish areas.

The Government owns and operates the press, radio, and television. The media do not criticize the Government and news reporting is strongly biased. Opposition viewpoints are not heard. Few foreign periodicals reach Iraq, and Western newspapers are not sold. Foreign visitors' newspapers, magazines, and cassettes can be confiscated at the airport. To control the dissemination of political leaflets, typewriters and photocopying machines must be registered.

### b. Freedom of Peaceful Assembly and Association

Public meetings are organized only under the auspices of the Government or Ba'ath Party. Non-religious free association and demonstrations without government approval have met severe repression. Professional organizations are subject to control by the Ba'ath Party Central Vocational Bureau.

Union workers do not represent a significant part of the total work force, comprised mostly of agricultural workers, shopkeepers, and government employees. Industrial workers, the most unionized, are only a small portion of the work force. Workers are organized in the Federation of Trade Unions under the control of the Ba'ath Party Central Labor Bureau. Unions may operate only under officially approved guidelines. Elections are held for union executive councils, which in turn select officers from among the council membership. Nominees are mainly party members. Workers legally have the right to strike after providing notice to the Labor Ministry, but no strikes have been reported since 1968. The unions initiate grievances, but a primary union function is to indoctrinate members with Ba'athist ideology. Union membership is a prerequisite for employment in some sectors.

In 1983-84, the International Labor Organization's Committee on Freedom of Association examined a complaint filed by the International Confederation of Free Trade Unions on behalf of a group calling itself the Workers' Democratic Free Trade Union Movement of the Republic of Iraq. The complaint alleged that a trade union movement isolated from the workers had been imposed in rigged elections, that trade union activities had become reserved solely for Ba'ath Party members, that trade union membership had become compulsory, and that union leaders had become government puppets. The Government denied the complaining group's existence, ~~and~~ stated that the Federation of Trade Unions in Iraq was created through free elections in which the majority of workers participated.

### c. Freedom of Religion

Iraq is an ethnically and religiously diverse society. Many non-Muslims, principally Jews and Christians, left Iraq under previous regimes. Members of religious minorities have expressed fear that they would again face persecution if Iran were to impose an Islamic regime in Baghdad. Ba'athism emphasizes the importance of secular government, but it is an anti-Communist ideology which acknowledges the central role of religion in Arab culture. Since its rise to power in 1968, the Ba'athist Government has enforced tolerance of religious diversity, seeking to submerge religious differences in the promotion of secular nationalism. However, the Government also works to unify the populace by attempting to hasten cultural assimilation. In some past instances, this has taken the form of trying to wean groups away from aspects of their cultural traditions, ethnic identities, and ways of life. The Sunni Muslim-dominated Government has relaxed implementation of this policy in most cases, and has more actively sought the support of ethnic and religious minorities and the underrepresented Shi'ite majority. In his Christmas-New Year message in December, President Hussein praised the contributions of Iraqi Christians in particular.

A 1981 law gave the Ministry of Endowments and Religious Affairs the authority to promulgate laws and regulations governing places of worship, appointment of clergy, religious literature, and participation in religious councils and meetings. However, while the Government has assumed much greater authority in Islamic religious affairs since 1981, the law has not been invoked against Iraq's Christian sects. Religious leaders operate under close government supervision. Muslim leaders are considered government employees and receive their salaries through the Government. The Government administers the principal Muslim shrines and mosques and has increased allotments to refurbish and maintain them in an apparent attempt to win support from the devout.

The Shi'a, who make up roughly 55 percent of the population, historically have been economically, politically, and socially disadvantaged. The Government has a declared policy to raise their living standards and equalize opportunities for economic and professional advancement. In recent years, the Government and Party have promoted Shi'a into prominent positions, and the economic and social status of the Shi'a has improved markedly. Nevertheless, the Government maintains a close watch against Iranian attempts to exploit dissatisfaction among Iraqi Shi'a, who share the same branch of Islam prevalent in Iran.

Over 500,000 Christians constitute nearly four percent of the population. Their freedom of worship in churches of established denominations is legally protected, but they are not permitted to proselytize or to hold meetings outside church premises. Convents and monasteries exist and some new churches are constructed, in some cases with government financial support. Although Christians sometimes allege discrimination in education and jobs, adherence to their religion has not prevented many from obtaining wealth and professional advancement. The Deputy Prime Minister and Foreign Minister, a Chaldean Christian, represented Iraq at the December meeting of foreign ministers of the Organization of the Islamic Conference. Other Christians hold important official and private positions. Many are successful businesspeople.

The Jewish community is believed to have decreased from 150,000 following World War II to about 400. It was severely persecuted in the past, but there is no evidence of recent persecution. In 1983 and in late 1984, Western journalists visited the last known synagogue in Baghdad and confirmed that it is still functioning. Only a handful of people, mostly older men, were seen attending services led by two rabbis.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Iraqis are generally free to travel within the country and to change their residences or work places. However, they are likely to be constrained by social, cultural, and religious traditions which define the areas occupied by the various ethnic and religious groups. Sensitive border and other security areas are off-limits. Civilian travel in the war zone is restricted. Curfews are in effect where Kurdish insurgents have been active. There are police checkpoints on highways and outside major towns, but most Iraqis and foreigners travel freely in nonrestricted areas. Foreign diplomats must obtain Foreign Ministry permits for travel outside of Baghdad, which are usually granted when requested sufficiently in advance.

All Iraqis and most foreigners who have remained in the country for more than two weeks must obtain exit permission. Because of the war's drain on the economy, permission to travel abroad is restricted to a few categories of Iraqis, including officials, government-approved students, and persons needing medical treatment. Iraqis who have residences abroad may depart the country provided they originally had left before the war began. In general, a married woman must have the permission of her husband to travel abroad. The Government can require a prospective traveler to post a substantial bond to assure return. According to officials of the Higher Education Ministry, although Iraqi students abroad should get permission before accepting foreign scholarships or grants, they would not be punished upon return to Iraq for failure to have done so. If students on government scholarships abroad do not return, their families must repay the costs of the education.

Even before travel restrictions went into effect, many Iraqis who wished to emigrate left the country surreptitiously. There is no specific ban on emigration nor special restrictions for members of minority groups; however, emigration is discouraged. Prospective emigrants have had travel permission delayed and have been harassed. Many emigrants leave behind substantial property because of the difficulty of exporting assets. Currency exchange violations are considered national security offenses, and penalties can be severe.

A 1980 Revolutionary Command Council (RCC) resolution required alien spouses of Iraqi citizens who have resided in Iraq for at least five years (later shortened to three years) to become naturalized or leave Iraq. Many people, including several Americans, have thus been required to accept Iraqi citizenship. As Iraqi citizens, they are subject to the present travel restrictions. Therefore they are unable to leave unless they are in one of the privileged categories or receive special permission.

In March 1984 another RCC resolution further reduced the residence period before naturalization to one year for the spouses of Iraqis employed at government offices. The Iraqi spouse faces penalties for noncompliance, including loss of job, a fine of approximately $10,000, and repayment of the costs of education.

In recent years, the Government has instituted special programs to encourage repatriation of qualified professionals. Aliens of Iraqi origin can apply for a document permitting them to enter and exit Iraq without a visa. Former Iraqis can more easily obtain visitors' visas than other aliens, who generally must have an official sponsor.

Other persons of Iraqi origin are permitted to return, including many individuals who were admitted to third countries as refugees. A number of such people, especially Assyrian Christians, have returned on temporary visits. They are free to come and go, within the limits of the present travel restrictions, since they are not considered to have violated Iraqi laws. However, those who emigrated only after the beginning of the Iran-Iraq war, including several U.S. permanent resident aliens, have been unable to depart Iraq.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The elitist Ba'ath Party, dominated by the President and the Party's Regional Command, rules Iraq. The Party reportedly has some 1.5 million adherents, representing about 10 percent of the population. However, only some 25,000 "active" or full members, less than 0.2 percent of the population, participate influentially in party activities. There are two other legal political parties, both Kurdish. They and the Ba'ath Party constitute the Patriotic and Progressive National Front, essentially a vehicle of support for the Government. The two non-Ba'ath parties carry on only limited activity. Members of the military or security services may engage in political activities only within the Ba'ath Party. Association with the Party is not required for appointment to senior government positions or military ranks or election to the National Assembly, but normally is necessary to attain political influence. Opposition groups, including various Kurdish groups and splinter parties, are severely repressed. The Communist Party was removed from the National Front and declared illegal in 1979. In 1982 the Government amnestied Iraqi Communists both in Iraq and abroad, but the number released is unknown.

The outlawed, Iranian-supported Da'wa (Islamic Call) Party has been a major target of persecution. It has claimed violent acts against the Government in Iraq and abroad, and was implicated in the December 1983 truck bombing of the U.S. Embassy and other U.S., French, and Kuwaiti targets in Kuwait.

In October, general elections were held for the National Assembly, first elected in 1980. There had been no previous Assembly or elections since the overthrow of the monarchy in 1958. Many candidates stood for the 250 seats in the 1980 and 1984 elections, but the Government carefully screened all those nominated. Voter turnout among both sexes was heavy. Thirty-two women were elected in 1984, or twice as many as in 1980. Official duties of the Assembly include ratification of the budget and international treaties; the right to question and relieve any cabinet minister of his post; the debate of domestic and foreign policies; the proposal and enactment of laws; and the supervision of state institutions. However, the Assembly thus far has exercised little real authority, in part because of the wartime centralization of power in the RCC.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

Iraq has denied all charges of human rights violations. In its reply to Amnesty International's 1983 special report, the Government stated that there have been no political executions and that allegations of torture are false. It said the main aim of the allegations was "to discredit the people of Iraq and its revolutionary government." It offered to investigate allegations of torture made in a previous report if the victims, interviewed in exile, were identified and returned.

The Human Rights Society, a semiofficial body of jurists and government officials, has an advisory role. It represents Iraq at international events and hosted a visiting Amnesty International delegation. There is no government office or official charged with investigating human rights and coordinating with other governments and international organizations on human rights.

The International Committee of the Red Cross (ICRC) delegation based in Iraq has made regular visits to Iranian prisoners of war (POWs) since 1980 and has assisted in Iraq's unilateral repatriation of some of them, including 190 on January 29, and another 100 on October 20. Iraq has received the ICRC president and other delegates several times to discuss the treatment of POWs and the protection of civilians in the Iran-Iraq war. For several months following the ICRC's February 10 release of a memo on Iranian and Iraqi adherence to the Geneva Conventions and international humanitarian law, the Iraqi authorities refused to allow the ICRC to register and visit new prisoners, although the ICRC memo was more critical of Iran than Iraq. It noted that material conditions in POW camps in Iraq had improved and that the authorities had taken steps to end the random acts of brutality to which the ICRC had previously called their attention. However, the report expressed continued concern that the ICRC had been denied access to some prisoners held since the beginning of the war, and criticized Iraq's indiscriminate bombing of Iranian civilian areas. After meetings with ICRC President Alexander Hay in August, Iraq allowed the ICRC to continue its work generally unhindered. Iraq has threatened to reciprocate

## IRAQ

Iranian abuse of Iraqi POWs, which includes killings, brainwashing, and denial of outside access. Following the ICRC's eyewitness report of Iranian killings of Iraqi POWs in October, Iraq called on the U.N. to investigate, and agreed to permit the U.N. team to first visit Iranian POWs in Iraq. The U.N. visit was scheduled for January 1985.

At the request of the Government, in February the ICRC began to seek countries of permanent resettlement for Iranian civilian refugees. The Government has cooperated with the ICRC in these efforts, in the absence of the U.N. High Commissioner for Refugees, which the Government does not permit to operate in Iraq. More than 100 such refugees have left for several host countries, including the U.S.

In its 1984 report, Amnesty International expressed concern about widespread arbitrary arrest of political suspects and their prolonged detention without charge or trial; disappearances; continued detention of civilians without legal proceedings in POW camps, apparently because of their ethnic origin; routine torture of detainees during interrogation and ill-treatment and detention of their families allegedly to exert pressure to cooperate during interrogation; and a large number of executions, mostly for political crimes. Freedom House calls Iraq "not free."

### ECONOMIC, SOCIAL, AND CULTURAL SITUATION

During the first two years of the war, the Government largely isolated the people from its economic impact by pursuing an ambitious development program. However, the loss of Iraq's offshore export terminals and closure of its oil pipeline through Syria cut oil exports from a prewar high of 3.2 million barrels to around 650,000 barrels per day. By late 1982 Iraq's foreign exchange reserves were nearly exhausted. The Government instituted a strict austerity program and slashed civilian imports, putting Iraq on a sounder financial footing but reducing the availability of consumer goods and the varieties of food.

Petroleum accounts for 95 percent of Iraq's export revenues. Consequently, the Government has given high priority to the restoration of oil export capacity. An expansion of the Turkish pipeline completed in July increased oil exports to approximately 1 million barrels per day. Iraq has contracted for a 500,000 barrel per day pipeline to connect with Saudi Arabia's Petroline and has signed a protocol for a new pipeline parallel to an existing one in Turkey. Both could be in place as early as 1986, greatly improving economic conditions.

The Government exerts a high level of control over the economy. The State owns all major industries, including petroleum and banking. The small private sector is important in some industries. The regime has expanded the role of the private sector, particularly in agriculture.

Per capita gross national product (GNP) almost quintupled during the 1970s, rising from $630 in 1970 to $3,021 in 1980. Much of this increase, however, represented a pro rata share of accumulated foreign exchange reserves resulting from higher oil prices. When oil earnings were cut sharply after the outbreak of war, per capita GNP declined dramatically to $1,742 in 1981. Per capita GNP probably has increased in nominal terms since then, largely as a result of price inflation and an artifically high exchange rate.

Health care is free or provided at nominal cost. From 1968 to 1980 government programs boosted the number of medical workers from 9,000 to over 40,000, and increased medical training institutions from 3 to 65. In 1980, there was 1 doctor for every 3,000 people. Serious shortages of qualified medical workers remain. Improvements in health care and access to safe drinking water helped raise life expectancy from 56.2 in 1976-71 to 59.1 years in 1984, and decrease infant mortality to 80.7 per 1,000 live births. A 1984 law authorized highly concessional government loans to doctors to establish new private hospitals. The Minister of Health stated that the objective was to introduce private sector competition to contribute to a more efficient national health service.

Iraq's population is estimated to approach 15 million, and its growth rate is about 3.3 percent. In 1975, 40 percent of the population was estimated to be below the absolute poverty level. Despite the hardships imposed by the war, this figure probably has declined as a result of higher oil prices and an ambitious economic development program undertaken since 1975.

Education is free through the university level. The Government offers scholarships for advanced study abroad. The number of students studying abroad has decreased during the war. In the last 10 years, enrollment in primary and secondary schools has more than doubled. Female enrollment was largely responsible for the dramatic rise. The number of students in vocational schools and universities has increased markedly. According to the Government, implementation of the 1977 Anti-illiteracy Law has raised the literacy rate to 70 percent.

The feudal system of land ownership came to an end with the overthrow of the monarchy. In April 1981, President Hussein abandoned a program to impose collective farms on the East European model and returned land to private ownership.

Heavy migration from rural areas has resulted in substandard urban living conditions. Large-scale public housing projects are under construction. Subsidies and controls keep the prices affordable for most food staples, utilities, and transportation while other prices are rising.

Since its founding outside Iraq in 1947, the Ba'ath Party has been committed to the equality of the sexes. The Ba'ath Party's Ninth Party Congress report of 1983 reiterated that the emancipation of women is a "natural and human right," and an "essential condition for economic, social, and cultural development." A series of laws since the Ba'ath Party came to power in 1968 has steadily improved the status of women. Such laws have protected women from exploitation in the workplace; granted subsidized maternity leave; permitted women to join the regular army, Popular Army, and police forces; and equalized women's rights on divorce, land ownership, taxation, suffrage, and election to the National Assembly. In the 1970s, the Government imposed legal penalties on families that opposed sending their women to literacy schools, and on men who were seen harassing women.

The percentage of female students in elementary schools climbed from 37.4 percent in 1977-78 to 46.4 percent in

1982-83. Secondary school female enrollment went from 29.2 to 34.5 percent in the same period. About 32 percent of the students at universities and technical institutes are female.

Women represent about 47 percent of agricultural workers and about 25 percent of the total work force. By 1977, women were reported to comprise 39 percent of teachers, 31 percent of doctors, 30 percent of chemists, 25 percent of physicists, 15 percent of accountants, 15 percent of civil servants, and 11 percent of factory workers. The war has accelerated the Government's drive to elevate the status of women, and some Iraqis believe that it has permanently broken cultural barriers to acceptance of women in traditional male roles. With official encouragement, women have become increasingly visible as architects, construction engineers, oil engineers, air traffic controllers, factory and farm managers, and Air Force pilots. Some 40,000 women reportedly were volunteers in the Popular Army in 1982.

The General Federation of Iraqi Women (GFIW) was established in 1969, the regime's first year in power, to promote the Government's policies toward women. Membership in the GFIW does not require affiliation with the Ba'ath Party. The GFIW organizes conferences on women's issues, establishes training courses for women, implements programs to eradicate illiteracy, undertakes civilian war relief activities, and administers nurseries. It drew up a four-year plan (1983-86) to encourage women to work outside the home, and has opened four employment offices in Baghdad for women graduates.

# ISRAEL AND THE OCCUPIED TERRITORIES*

Israel is a parliamentary democracy which guarantees by law and respects in practice the civil, political, and religious rights of its citizens. It has an independent judiciary, free elections, a multiparty political system, and an elected legislature (the Knesset) which may restrict the Government by legislation and can bring it down by a vote of no confidence. A Knesset vote in March led to early elections in July and to the formation of a National Unity Government in September.

Israeli society is characterized by its openness and its lively public debate of all issues of popular concern. Police and internal security functions are under the control of Cabinet ministers who must answer to the Knesset for the actions of personnel for whom they are responsible and whose performance is subject to the scrutiny of a free press.

Israel enjoys a relatively high standard of living. It has a market economy with substantial governmental participation and subsidized prices for basic commodities. Its economic policy has been oriented toward social welfare. In recent years, Israel has experienced increasing balance of payments deficits, rising foreign debt, triple-digit inflation, and most recently a declining level of foreign exchange reserves.

From its founding in 1948 until 1979, a formal state of war existed between Israel and all of its Arab neighbors. In 1979, as provided in the Camp David Accords, Egypt and Israel signed a peace treaty; pursuant to the treaty, Israel returned to Egypt, over a three-year period, that portion of the Sinai Peninsula which had been under its control since the 1967 war. Israelis doubt that other Arab states are prepared to accept Israel's right to exist on the basis of U.N. Security Council Resolutions 242 and 338. Terrorist incidents in Israel and the absence of peace treaties with its other Arab neighbors make security a dominant concern which affects many facets of national life. The state of emergency declared when Israel was founded remains in effect.

The presence of an Arab minority presents Israel with the challenge of accommodating within its society a large non-Jewish group which does not share the Zionist principles upon which the state was founded. (There are also Jewish communities in Israel which reject the Zionist ideal.)

Israeli forces continued to occupy southern Lebanon during 1984. The Government of National Unity has established as one of its principal objectives the withdrawal of Israeli forces from southern Lebanon while preserving the security of Israel's northern border.

As in 1983, the most significant human rights problems for Israel continued to derive from the strained relations between Israeli authorities and the Arab inhabitants of the occupied territories. These problems were exacerbated as a consequence of the activities of Jewish settlers in those areas. During the year, Israeli leaders expressed concern over the potential growth of extreme views and violent actions and their effects on Israeli society.

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*Because of the sharply differing socio-political environments in Israel and in the Arab territories which Israel has occupied since the 1967 war, the respective human rights situations are treated in separate but parallel fashion. The report on the occupied territories follows the report for Israel.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

There is no indication that political killing is sanctioned by Israeli authorities. In April 1984, two terrorists who hijacked a bus died as a result of blows dealt by security agents after they were captured. A commission of inquiry determined that no order was issued to the security forces from which it could have been inferred that the two men were to be killed or injured, and that the killings were caused by individuals who deviated from accepted orders and norms. The breach of military norms was widely condemned by political leaders and the media. The Defense Minister accepted the commission's recommendations that legal action be taken against the responsible individuals and that all possible steps be taken to ensure that there is no recurrence of such an incident. The head of the Army's southern command, who was in overall charge of the area where the Arabs were beaten, has been reprimanded, and the Justice Ministry is investigating the incident.

In 1984 there were deaths as a result of terrorist acts. In February, 21 persons were injured when a parcel containing hand grenades exploded outside a clothing store in Jerusalem. In April, terrorists opened fire with automatic weapons on passersby in Jerusalem, wounding 48 and killing 1. In other incidents, terrorists set off a bomb on a passenger bus in the city of Ashdod, causing the death of three passengers and injuring six others, and hijacked a commuter bus north of the Gaza Strip. Organizations such as the Democratic Front for the Liberation of Palestine and the Abu Nidal terrorist group frequently took credit for these acts. Also in April, Jewish terrorists were foiled in an alleged attempt to bomb five Arab buses in Jerusalem. Suspects were apprehended and trials were under way at year's end.

#### b. Disappearance

There are no reports of such a practice in Israel.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Such practices are prohibited and there were no confirmed reports of their occurrence in 1984. Evidence or confessions obtained under duress are inadmissible in court, and the administrative codes of conduct of the prison and police authorities contain stringent sanctions against the use of force or brutality. Police officers accused of brutality or violence may be prosecuted either in administrative courts for violation of the code of conduct or in regular criminal courts for criminal assault. Acute overcrowding of prisons remains a problem.

#### d. Arbitrary Arrest, Detention, or Exile

Israeli law provides strong guarantees against arbitrary arrest or imprisonment. Writs of habeas corpus and other procedural and substantive safeguards are available. Defendants are considered innocent until proven guilty.

Administrative detention can be employed in security-related cases when a judge determines that formally charging a person would compromise sensitive sources of evidence. Any administrative detainee is entitled to representation by counsel and must be brought before the president of the appropriate district court within 48 hours of being taken into custody. Upon application of the Defense Minister to a district court, the right to representation by counsel may be delayed from 48 hours to 7 days in most instances and up to 15 days in terrorist-related cases. Each case of administrative detention must be submitted to judicial review at least every three months thereafter for the entire period of detention. The decision of the president of the district court can be appealed to the Supreme Court. In 1984 an Israeli Arab was detained on his return from an overseas trip on suspicion of having been in contact with foreign elements hostile to Israel. A judge ruled favorably on a government request that the individual be detained for eight days. The individual appealed the order and, five days after he was initially detained, was released by order of the Supreme Court which ruled that there were insufficient grounds to warrant his continued detention.

During 1984 Israel held as many as 1,000 prisoners arrested in Lebanon. These persons, predominantly Lebanese, were held in southern Lebanon at the Ansar detention camp and at a facility in Nabatiyah. In June, Amnesty International said that more than 130 Palestinians and Lebanese were reported to have been held in incommunicado detention in the military prison of Atlit in Israel since mid-November 1983, when they were secretly transferred there from the Ansar Camp. In July, representatives of the International Committee of the Red Cross (ICRC) were granted access to them.

Israel does not accord prisoner-of-war status under the Third Geneva Convention to prisoners captured during and after the Lebanese conflict who were not members of the armed forces of another country. Israel has maintained, however, that such detainees are treated in accordance with the provisions of the Fourth Geneva Convention in all matters relating to the guarantee of humane treatment and conditions of internment. It has stated that under the Fourth Geneva Convention it has the right to intern persons who constitute a danger to the security of the detaining power or its armed forces. The Israeli Supreme Court has confirmed the applicability of the standards of the Fourth Convention, while holding that, for security reasons, Israel is permitted to deny the detainees access to family members and legal counsel. Israel has permitted ICRC representatives to visit the detainees.

On June 28, 1984, under the auspices of the ICRC, Israel released 291 Syrian military personnel captured during the Lebanon war, as well as 20 security prisoners, 7 of whom returned to Syria. In exchange, three Israeli prisoners of war and three civilian employees of the Israel Liaison Office in Beirut were freed.

### e. Denial of Fair Public Trial

The right of a hearing by an impartial tribunal with representation by counsel is guaranteed by law. The judiciary is independent and effectively insulated from political interference. With the exception of security cases, which may be tried by military courts, all trials are open. In security cases, the law provides that part or all of a trial may be closed, with the burden of justifying in-camera proceedings falling on the prosecution. Counsel is present during closed proceedings. In security cases, the law also provides for possible restriction on the choice of defense counsel.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Privacy of the individual and the sanctity of homelife and correspondence are fully protected. There are effective legal safeguards against arbitrary invasion of the home.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Freedom of speech and press, limited by security-based censorship provisions, are basic rights in Israel. These rights are protected by law and the judiciary, and are broadly exercised by citizens and individuals and by an independent and vigorous press, which expresses a wide variety of political opinion.

The law forbids tangible public manifestations of support for organizations defined as terrorist. Proscribed acts include flying the Palestinian flag or displaying its colors, displaying Palestinian nationalist slogans, and publicly expressing support for the Palestine Liberation Organization. In June, two Israeli Arabs received prison terms of a year and 18 months, respectively, for flying Palestinian flags and painting anti-Israeli slogans. In July three Israeli Arabs received prison sentences and were fined for raising a Palestinian flag at a rally and at a memorial service. The heaviest sentence in this case was seven months in prison and a $1,000 fine.

Media censorship is based on British Mandatory emergency regulations, according to which the censors may prohibit the publication of material which, in their opinion, will harm the defense of Israel, the public safety, or public order. Censorship decisions may be appealed through the judiciary. In practice, censorship of the media is usually limited to military security matters, and journalists generally know which security-related areas are off-limits to publication. In April the military censor suspended the newspaper Hadashot from publishing for four days after it defied a ruling against publication of the news that the Defense Minister had set up a commission of inquiry to investigate the events surrounding the deaths of the four Arabs who had hijacked a passenger bus. The newspaper's owners obtained a temporary stay and appealed the decision to the Supreme Court which upheld the censor. Other Israel newspapers heeded the Government's plea not to publish the news about the commission on the grounds that disclosure could jeopardize the lives of Israelis imprisoned in Arab countries. A New York Times correspondent in Israel was called to the office of the director of the government press office in Jerusalem to discuss censorship violations by the journalist concerning the same incident.

Israeli radio and television are run by the independent Israel Broadcast Authority (IBA). The Government helps to fund the IBA and appoints its governing board, but has almost no control over programming. The independence of the IBA is protected by law, subject to the censorship provisions. Radio and television broadcasts include programs in Arabic as well as in Hebrew.

Licenses to publish newspapers are required and normally are routinely issued. There have been reports, however, that applications from Israeli Arabs are scrutinized more closely than others and sometimes turned down without explanation. In 1984 an Israeli Arab scholar was refused a license to publish an independent journal in Arabic.

Movies and theater are subject to censorship if deemed pornographic or otherwise offensive to religious or social mores or likely to create a disturbance of public order. In 1984, one film was banned for pornographic content.

Possession and distribution of literature considered hostile to the State and issued by illegal Palestinian organizations are punishable offenses.

### b. Freedom of Peaceful Assembly and Association

These are basic rights in Israel, protected, along with the right to demonstrate, by law and rulings of the courts. In the case of political rallies and outdoor meetings beyond an established size, permits are required and routinely granted.

Israel has a free and democratic labor movement, which plays an important role in the social, economic, and political life of the country. Israel's most powerful labor organization, the General Federation of Labor (Histadrut), and its affiliates operate the largest national health insurance program and seven retirement pension systems, as well as a number of large industrial enterprises. Histadrut membership comprises over 85 percent of the working population. The membership includes 60 percent of the adult Israeli Arab population. Workers, including those in the public sector, make frequent use of the right to strike.

### c. Freedom of Religion

Israel was founded as a Jewish state in which all citizens are guaranteed freedom of religion by law. Muslims, Christians, Druze, and other minority religious groups make up about 17 percent of the population. The prevailing interpretation of the Jewish nature of the state has been secular rather than religious. The Law of Return of 1950, which abolished all restrictions on Jewish immigration, and the Citizenship Law of 1952, which granted every Jew the right to citizenship upon arrival in Israel, confer an advantage on Jews in matters of immigration and citizenship.

All religious groups may maintain contacts with their coreligionists outside Israel. Foreign clergy are permitted to live in Israel to minister to their coreligionists. Several thousand Israeli Muslims make the Hajj pilgrimage to Mecca each year. There is no operating seminary for Muslim clergy and religious functionaries in Israel. Muslims may obtain such training in institutions in East Jerusalem, the West Bank, or Egypt. The International Center of the Baha'i religion is located in Haifa.

Israel has retained the Ottoman millet system under which each religious community is governed in matters of personal status by its own religious law and not by civil law. This feature of the law gives each religious community freedom to observe its own customs and religion within the area where the millet system applies, but sometimes causes serious inconvenience to individuals who do not follow the established norm within one religious community. These difficulties do not normally arise in religious worship, but among Jews do occur in areas such as marriage or conversion to Judaism. Within the Jewish community the orthodox tradition is the established norm, and conservative and reform rabbis have no official standing.

A 1977 law prohibits the offering and receipt of material benefits as inducements to religious conversion. In a clarification in 1979, the Justice Minister stated that the law is not intended to restrict the religious freedom of any community or to impede any community from the pursuit of normal educational or philanthropic activities. The Attorney General has ordered that no action be taken under the law without his express permission, and the law has not been employed. It nevertheless continues to cause uneasiness among some Christian groups. Persons considered to be missionaries have been the subject of physical attacks by private individuals. The Religious Affairs Ministry cooperates with and gives financial support to a variety of interfaith groups which seek to promote understanding between members of different religious groups.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Israeli citizens enjoy freedom of movement within the country and are free to travel abroad or to emigrate, subject to military service-related obligations. Emergency regulations, however, provide that Israeli citizens, by military order, may be confined to their neighborhoods or villages or barred from traveling to the occupied territories. Restrictions of this nature have been applied most often to Israeli Arabs. In March, the commander of the northern command issued an administrative order forbidding an Arab Anglican priest from visiting the West Bank and the Gaza Strip for six months. The order was subsequently renewed. Other Israeli Arabs were confined to their homes during the year.

Since 1948 Israel has taken in over a million Jewish refugees from the Middle East, North Africa, and Europe, and has worked toward integrating them into its society and economy. Integration of smaller numbers of new immigrants continues.

United Nations General Assembly Resolution 194 of December 11, 1948, calls upon Israel to permit Arab refugees who left their homes in the 1947-48 fighting to return if they are willing to live in peace, or to be compensated for their losses if they choose. Israel has not recognized the validity of this resolution, pointing out the losses to its own citizens who fled Arab states; it did, however, take back some refugees under the principle of family reunification and it has indicated willingness to take back some refugees in the context of a final peace settlement.

The legal status of the Hebrew-Israeli community (usually known as Black Hebrews), which numbers about 1,200, remained unchanged since 1983. Many community members are long-term residents, having settled in the early 1970's. However, few are in the country legally, the tourist visas on which they entered the country having expired. They are able to leave, but cannot return. Approximately 85 Black Hebrews renounced their U.S. citizenship and may be considered stateless, as the Government of Israel does not accept their claim to immigrant status under the Law of Return.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

All adult Israeli citizens have the right to vote for candidates of their choice and to participate in the political process. Seven of the 120 members of the Knesset are from the Israeli Arab community. Israeli Arabs are included in the Knesset election lists of several of the Zionist parties and the non-Zionist Israeli Communist Party, which derives most of its support from Israeli Arabs. In the elections for the eleventh Knesset in July, an Arab-Jewish list, the Progressive List for Peace (PLP), received two seats.

In June, the central elections committee for the eleventh Knesset refused to approve the PLP and the Kach party, which favors the expulsion of Arabs from Israel, as valid parties to run for the Knesset on the grounds that they endangered the rule of democracy and the State of Israel. These decisions were overturned by the Supreme Court and both parties competed for and won seats in the Knesset.

Women participate freely in the political process and account for more than 40 percent of the political party membership. Ten members of the Knesset and two Supreme Court judges are women. There are no women in the 25-member Cabinet. One woman is currently serving as a Deputy Minister.

## Section 4 Government Attitude Regarding International and Non-Governmental Investigation of Alleged Violation of Human Rights

The Government maintains an office of human rights in the Foreign Ministry, and several human rights groups in Israel work for the protection of individual liberties and women's rights. Private groups, such as the Israeli League for Human and Civil Rights and Peace Now, freely criticize Israeli government actions in Israel, the occupied territories, and Lebanon. They issue statements and reports, hold press conferences, and organize demonstrations without governmental interference.

The Government permits visits to Israel by representatives of private international human rights groups, as well as the United Nations Economic and Social Council, the World Health Organization, and the International Labor Organization. The Government of Israel has generally permitted the ICRC to visit prisoners taken in Lebanon and the occupied territories. It also investigates and replies to inquiries by organizations such as Amnesty International. In the section of its 1984 report dealing with Israel and the occupied territories, Amnesty International expressed concern about the imprisonment of prisoners of conscience; the use of administrative measures, with no judicial involvement, to physically restrict individuals without charge or trial; allegations of torture or ill-treatment of detainees; the passing of two death sentences; and the denial of the protection accorded under internationally accepted standards to thousands of detainees captured by Israel after the Israeli invasion of Lebanon. Freedom House considers Israel "free"; it characterizes the situation in the occupied territories as "partly free."

## ISRAEL AND THE OCCUPIED TERRITORIES

### ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The population of Israel is about 4.1 million and has been increasing by about 1.6 percent a year. Per capita gross national product is about $5,085. Unemployment in 1984 was about six percent.

Israel historically has run a balance of payments deficit in order to provide the resources to absorb large-scale immigration in the early years of statehood, maintain a high defense capability, and raise the general standard of living. Substantial financial assistance from abroad, public and private, has helped cover the payments gap.

Israel has been beset by severe economic problems, with increasing balance of payment deficits, a large foreign debt, and rising triple-digit inflation (in 1984 the consumer price index increased by about 500 percent) the most serious concerns. The worldwide recession and the strength of the dollar have hurt exports, thereby increasing the payments deficit.

A complex system of indexing, which ties salaries, most financial assets, and pensions to the consumer price index, has protected most of the population from the most damaging effects of high inflation. The new Government is seeking to reduce the balance of payments deficit by cutting private consumption and the budget and imposing tighter monetary controls, while seeking to stimulate economic growth and exports. The trade balance improved somewhat in 1984.

State education in either secular or religious schools is compulsory for all citizens through age 15. The primary school enrollment ratio is about 97 percent and the literacy rate about 89 percent. The parallel education systems in Israel for Jews and Arabs, conducted in Hebrew and Arabic respectively, show a disparity in quality, with greater resources per student going into the Jewish system.

Israel has an advanced health care system with a high doctor-to-patient ratio. Life expectancy is 74 years, and the infant mortality rate is 14.1 per 1,000 live births. Safe drinking water is available to the entire population.

Title to 93 percent of the land in Israel is held by the State or quasi-public organizations in trust for the Jewish people. According to law, anyone may purchase the remaining seven percent of privately owned land through ordinary commercial transactions.

The Israeli Arab minority has equal rights under the law in most respects, and Israeli Arabs have made substantial educational and material progress since the founding of the State. Some have risen to responsible positions in the civil service, generally in the Arab departments of government ministries.

Israeli Arabs, however, are relatively powerless and tend to feel alienated. Despite some governmental and private efforts to bridge the gap, there is little social interaction with Israeli Jews. Israeli Arabs assert that they are denied equal access to education, housing, and other services, and that they are discriminated against in such areas as employment and appointment to government positions. Government grants to area local councils represent a smaller percentage of the budgets of these bodies than do similar grants to Jewish municipalities. While Arabs make up about 16 percent of Israel's population, less than 2 percent of the persons in senior government positions are Arabs, less than 3 percent of Israeli judges are Arabs, and no large bank, industrial enterprise, or agricultural undertaking in Israel is headed by an Israeli Arab. Israeli Arabs make up three percent of university students and less than one percent of the academic positions in the universities.

Druze and Circassians are subject to the military draft, and some Bedouin serve voluntarily in special units. Most other Muslims and Christians have not been permitted to serve and therefore have not qualified for many of the economic and social benefits which require military service as a precondition.

Women's rights in Israel are protected by law as well as by governmental and private organizations. The Equal Opportunity Law forbids discrimination on account of sex or marital or parental status, and employers are legally bound to pay female workers a wage equal to that paid male workers for the same or generally similar work. Laws and regulations also provide for protection of the rights of female employees with respect to pregnancy and childbirth. The Government includes a senior adviser on the status of women, and the Civil Service Commission and several government ministries have officers responsible for promoting fair treatment for women and ensuring that the rights of women are protected. A number of non-governmental women's organizations also work to advance the status of women, ensure equal opportunity in all fields, and other family services such as child care for working mothers.

Over 40 percent of university graduates are women, as is 39 percent of the work force. Women account for approximately two-thirds of the instructors employed in the educational system. They occupy about one-fifth of the senior positions of the professional grade of the career civil service, are well represented in professional and technical jobs in the media, and work in a broad range of the professions and other occupations. Women are drafted into the army for service in non-combat units.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
## (U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: ISRAEL

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 806.0 | 785.0 | 910.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 806.0 | 785.0 | 910.0 |
| A.AID ................. | 806.0 | 785.0 | 910.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 806.0 | 785.0 | 910.0 |
| (SEC.SUPP.ASSIST.)... | 806.0 | 785.0 | 910.0 |
| B.FOOD FOR PEACE....... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.0 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 1400.0 | 1700.0 | 1700.0 |
| LOANS.............. | 850.0 | 950.0 | 850.0 |
| GRANTS............. | 550.0 | 750.0 | 850.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 850.0 | 950.0 | 850.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 550.0 | 750.0 | 850.0 |
| III.TOTAL ECON. & MIL... | 2206.0 | 2485.0 | 2610.0 |
| LOANS.............. | 850.0 | 950.0 | 850.0 |
| GRANTS............. | 1356.0 | 1535.0 | 1760.0 |

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| OTHER US LOANS.......... | 24.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 6.5 | 0.0 | 0.0 |
| ALL OTHER.............. | 17.5 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 30.0 | 0.0 | 0.0 | 341.3 |
| IBRD | 0.0 | 0.0 | 0.0 | 284.2 |
| IFC | 0.0 | 0.0 | 0.0 | 10.5 |
| IDA | 0.0 | 0.0 | 0.0 | 0.0 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 0.0 | 0.0 | 0.0 | 15.4 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 1.2 |
| EEC | 30.0 | 0.0 | 0.0 | 30.0 |

## THE OCCUPIED TERRITORIES

The territories which Israel has occupied since 1967 consist of the West Bank, East Jerusalem, the Golan Heights, and the Gaza Strip. The West Bank and Gaza remain under military government. Israel regards East Jerusalem and the Golan Heights as subject to Israeli law, jurisdiction, and administration.

The U.N. Security Council and General Assembly have adopted resolutions, in which the United States concurs, asserting that Israel's presence in all these territories is that of an occupying power. As such, Israel's governance is subject to the Hague regulations of 1907 and the 1949 Fourth Geneva Convention concerning the protection of civilian populations under military occupation.

Israel declares that it voluntarily observes most of the Fourth Geneva Convention's provisions with respect to the West Bank and Gaza, even though it does not accept that these areas are within the purview of the Convention. Major differences have arisen in regard to the applicability of these provisions to the introduction of civilian settlers and to the use of collective punishment.

The complex human rights situation of the occupied territories, particularly in the West Bank where the majority of the settled Arab population is located, is largely the result of friction between occupation authorities and the indigenous Arab population. Israel implements its policy in the West Bank and Gaza through separate civil administrations. These were created in 1981 and are under the control of the Defense Ministry. They are staffed by military as well as civilian personnel. Israel's national police, border police, security service, and the Israel Defense Forces (IDF) all have a role in the administration of the occupied territories. Although the national police, which includes local Palestinians in its ranks, is seldom the target of criticism, there are frequent complaints by West Bankers and Gazans about the actions of the other organizations.

In February 1984, the Government released the report of a 1981 commission of inquiry headed by Assistant Attorney General Yehudit Karp into law enforcement in the occupied territories. This report pointed up difficulties in investigating accusations of violence against Arab residents by Israeli military personnel, border police, and settlers. The Commission found many instances in which cases were dropped, investigations were not concluded, or external interference by military government personnel affected investigations. Although written in 1982, the Karp Report remains a statement of Israel's continuing difficulties in providing equal treatment and police protection to all inhabitants of the occupied territories.

Israel has continued to expand Jewish settlements in the populous areas of the West Bank. The Palestinian inhabitants are concerned that settlements and associated practices, including the evolution of a different system of laws for settlers, might be intended to lay the groundwork for eventual annexation of the West Bank and Gaza. This concern was exacerbated by statements by the former government that, at the end of the transitional period called for in the Camp David Accords, Israel would assert its sovereignty over these areas. (The Camp David Framework provided for a five-year transitional period for the West Bank and Gaza, during which negotiations are to take place to determine their final status.) Some Israeli political figures and groups repeatedly assert that the West Bank is an integral part of the land of Israel which may never be relinquished to Arab control.

Civil Administration authorities have attempted to reshape local politics, particularly by blocking the influence of the Palestine Liberation Organization (PLO) and by promoting an alternate leadership. Israeli support of the Village Leagues, West Bank quasi-political organizations, continued to diminish in 1984 and the Leagues are no longer a significant factor in West Bank politics.

Israel permitted West Bank municipal elections in 1972 and 1976 but postponed, without rescheduling, the elections to be held in 1980. Since then, the occupation authorities, citing security considerations, have removed elected and appointed officials in the West Bank and Gaza. Israel has allowed the establishment of four universities in the West Bank where none existed before (as well as a university in Gaza) but has restricted student and faculty members and activities which it regards as threatening to its security. Israel permits criticism of its policies by the East Jerusalem-based Arabic press but has often censored articles and editorials on stated security grounds and restricted the circulation of Arabic publications in the West Bank and Gaza. It has also imposed broad restrictions on speech and assembly in those areas.

Arab and Jewish residents continued to suffer from terrorist acts in 1984. Responsibility for acts against Israelis was claimed by Palestinian organizations outside the occupied territories. During 1984, four Israeli groups were arrested by security forces for terrorist acts against Arab residents of the occupied territories.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

Political killing is not condoned by the Israeli Government. There have been, however, deaths and serious injuries as a result of terrorist acts. At least six Israelis were injured by gunfire attacks on their vehicles. Two Arab bystanders were injured mistakenly by Israeli return fire in one incident. Approximately 20 Israelis were wounded in rock or Molotov cocktail attacks. Several Palestinians were killed in clashes with security forces, including one Palestinian youth during a demonstration at Bir Zeit University in late November.

There were numerous acts of arson, vandalism, and bombings against both Israelis and Arabs during the year. Palestinian organizations outside the occupied territories generally claimed responsibility for acts against Israelis. In March, three IDF soldiers and several local residents were wounded by a grenade thrown at an IDF patrol in Gaza. Also in March, five supporters of the Israeli Kach movement ambushed an Arab bus, injuring several Arab workers. The perpetrators were subsequently arrested; three have been convicted and one acquitted because the fifth defendant, who had earlier turned state's evidence, has fled Israel.

## THE OCCUPIED TERRITORIES

In June, police arrested 34 Israeli citizens for complicity in the placing of bombs on five Arab-owned buses in Jerusalem, the 1980 car bombings which maimed two Arab mayors and an Israeli army sapper, conspiracy to blow up the Dome of the Rock, and on other charges. Also in June, two Israeli settlers were convicted of complicity in the 1983 murder of a 9-year-old Nablus girl. A third suspect, accused of actually shooting the girl, remains on trial.

In July, several Gaza youths received sentences of up to 15 years for throwing grenades at IDF patrols and attempting to assassinate the deposed mayor of Gaza.

In August, the Bethlehem area head of the Village Leagues and two of his sons were convicted of the attempted assassination of Bethlehem mayor Elias Freij. Several other Village League leaders remain under investigation on possible murder and other serious charges.

### b. Disappearance

There were two claims of disappearance resulting in the murder of West Bank residents during 1984. Neither case has yet been resolved. On April 12, Nabil Ahmad Falayfal, a professor at Bir Zeit University was taken from his home by unidentified men. His body was discovered 16 days later. The press reported allegations by his wife that she believed security forces had arrested her husband.

Billal Najjar, a resident of Burin village and student at An Najah University in Nablus, was reported missing on March 16. His decapitated body was later found. In October, an Israeli attorney representing his family petitioned an Israeli district court for an inquiry into the alleged role of Israeli security forces in his disappearance. Friends and relatives have claimed that he disappeared while in the custody of security forces.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is forbidden by Israeli law and there is no evidence that torture is condoned by the Israeli authorities. Several Israeli border and national policemen were convicted of abusive use of force against Arab prisoners during 1984. On March 5, 1984, a Farah prison official was convicted of beating Arab detainees. In June, two IDF officers serving in Gaza were prosecuted for beating and blinding in one eye a Gaza resident they were questioning. On September 18, two Israeli policemen were indicted for severely beating an Arab attempting to visit a relative at Jerusalem police headquarters. On September 19, a second Farah official was sentenced to four months imprisonment for obtaining confessions by force. On October 15, four border policemen were convicted for the 1981 beating of a Tulkarm youth.

The Supreme Court twice during the year ordered the withdrawal from evidence of confessions by West Bankers on the grounds that they appeared to have been obtained by force. On June 19, a 15-year-old Farah prison detainee's confession was ordered withdrawn when the court found the prosecutor's explanation of his numerous cigarette burns unsatisfactory. The confession of a second Farah detainee was ordered withdrawn from military court consideration on the grounds it was obtained by force. These court actions lend credibility to other allegations of prisoner abuse at Farah publicized in April by the League for Human and Civil Rights, an Israeli human rights organization, and by Law in the Service of Man, the West Bank affiliate of the International Commission of Jurists.

Several U.S. citizens have alleged that they received cruel or degrading treatment while under detention. In April, a U.S. citizen of Arab origin was arrested, while visiting his mother, for alleged security offenses committed outside Israel or the occupied territories. The citizen reported to consular officers that he was deprived of sleep, subjected to prolonged frigid showers, and prevented from receiving medication for a heart ailment. After interventions by U.S. representatives, his treatment improved. He was released without charges on April 24, after 22 days of confinement.

The U.S. citizen supporters of the Kach movement arrested for armed attack on an Arab bus also reported to consular officers that during their interrogations they were forced to wear blindfolding hoods for prolonged periods and were deprived of sleep. Consular officers had some success in securing improved treatment for the detainees.

Palestinian prisoners at the newly opened Jnaid Prison near Nablus conducted a hunger strike during September in protest of alleged overcrowding, poor food, lack of exercise, and the prison's extensive television monitoring system. After an inquiry, the Police Minister granted some of the prisoners' requests and the strike ended peacefully.

### d. Arbitrary Arrest, Detention, or Exile

Individuals may be held in administrative detention without formal charges for up to 18 days. The normal detention period after the filing of charges is 60 days before trial. This period can be extended by a Supreme Court judge for an additional three months and he may do so again from time to time. In 1984, there were over 150 such detentions.

A sizable number of Arabs are often arrested after terrorist incidents or the dispersal of demonstrations. Such arrests usually do not result in formal charges or prolonged detentions. The security forces can and do detain individuals without prompt notification of their relatives and apparently without the use of warrants. Some Arabs allegedly have been detained by the police when attempting to verify the detention of a relative.

Persons arrested for common crimes are usually provided the opportunity for bail, access to an attorney, and a clear statement of charges. Persons detained for security investigations are not permitted bail and initially are denied access to an attorney or other outside contact including with relatives or consular officers. In some cases, officials have declined initially even to confirm the fact of an individual's detention to consular officers. This denial of notification of arrest to any third party can, under Israeli law, be extended for up to 15 days. It is unclear whether detainees are informed of the specific charges against them. Many of those released from such detention without charges claim ignorance of the reasons for their detention.

## THE OCCUPIED TERRITORIES

Approximately 25 Arabs were placed under new or renewed town arrest orders for 3 months or more during 1984. A few individuals are under their ninth consecutively renewed order. Such restrictions, which often make it difficult for those affected to practice their profession or pursue their studies, involve no formal charges and are ordered by regional military commanders without judicial review. Many of those so restricted are deposed mayors, political activists opposed to Israeli occupation, or persons outspoken in their criticism of Israeli policies or in their support of the PLO. Town arrests imposed on some individuals, most notably deposed Mayor Karim Khalaf of Ramallah, were lifted during the year. Violators of town arrests are subject to fine or imprisonment.

Several refugee camps were placed under curfew during the year. In March, residents of El Arroub camp alleged that their water supply was cut off for two weeks as punishment for a security incident. Complaints about other forms of collective punishment employed by security forces, such as the holding of groups of Arab men in town or village squares for long periods, declined in 1984.

### e. Denial of Fair Public Trial

Jordanian law, as modified by some 1,100 Israeli military orders, remains in force in the West Bank for most criminal and civil matters. British Mandatory law, as modified, prevails in Gaza. The judicial application of these laws, except in security cases, land acquisition, or where jurisdiction has been transferred by military order, has been left in the hands of an Arab judiciary, which acts independently of Israeli authority. Residents of the occupied territories accused of nonsecurity offenses receive public trials in local courts. In East Jerusalem and the Golan, Israeli law applies.

Israeli law does not precisely define when a given crime will be considered a security offense. Persons arrested during demonstrations or suspected of having committed security offenses are normally subject to military trial. In practice, Israeli residents of the occupied territories accused of security offenses are not tried by military court but by the Israeli district court closest to their residence or the scene of their crime. The Israeli citizens currently under trial for participation in the 1980 car bombing of Arab mayors, the placing of bombs on Arab buses, and other terrorist actions in the occupied territories are being tried at Jerusalem District Court.

Alleged security offenders are tried in Israeli military courts with a military judge presiding, and are defended by counsel. Most military trials are open to the public, except for some cases involving serious security offenses. Consular officers normally have no difficulty in attending any court proceeding in which a foreign citizen is involved.

Israeli military courts have asserted jurisdiction with respect to alleged security offenses committed outside Israel and the occupied territories. In April a U.S. citizen was arrested and charged with contributing money to, and performing services for--while in the U.S.--an American charitable organization thought to be linked with the Palestinian movement. After several weeks' detention, he was released and permitted to return home. In subsequent statements, Israeli officials have defended the principle of extraterritorial jurisdiction for military courts.

Orders of the Civil Administration may be appealed to the Supreme Court. Nonjudicial administrative orders of the military government may be appealed to area military commanders and the Supreme Court. No appeal of military court verdicts is possible, although the area commander can and does exercise the right of commutation.

The Karp Commission Report on law enforcement in the occupied territories found that Arab residents, out of fatalism or fear of retaliation, "refrain from complaining" to the police when the security forces or settlers are involved. The report found evidence of "a vicious circle in which occurrences aren't investigated for lack of complaint, while complaints are not submitted because of a lack of proper investigation."

Israel continued to claim as state land additional areas of the West Bank often regarded by local inhabitants as community or private land. Palestinians frequently complain that they are not provided written notification of these decisions or that the 30-day period for biling competing claims is too brief to obtain substantiating documentation. Israeli authorities respond that extensions are granted upon request, and that no title is required if the claimant can prove he has cultivated the disputed land for at least 10 years (a provision some assert not always observed). In some cases, earth-moving work has been permitted to begin before the 30-day period has elapsed.

There are complaints by Arabs that the adjudication of appeals from pertinent military orders by a committee composed of military officers does not provide an independent, fair review of the dispute. A claimant may appeal through the legal system up to the Israeli Supreme Court. In 1984, there were at least three such appeals.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Under occupation regulations, military authorities can and do enter private homes and institutions without prior judicial approval in pursuit of security objectives. In 1984, at least 19 houses of West Bank and Gaza residents accused of involvement in security incidents were demolished or sealed and their families displaced. In some 19 other cases, only the rooms actually inhabited by the accused were sealed. There is no judicial process prior to a decision to seal or demolish a house or room in security cases. These decisions often follow immediately after a security incident and before conviction of the suspect. In 1984, senior security officials indicated that house demolitions and sealings would no longer be employed. Houses or rooms used by Israelis convicted of security offenses in the occupied territories were not demolished or sealed in 1984.

A number of houses and other structures also were demolished in the West Bank and Gaza on the grounds that they were constructed without proper authorization. Arabs complained that their houses were constructed in accordance with licenses issued by various Arab municipalities but that Israeli officials later ruled the site outside municipal jurisdiction. In one case near the settlement of Gilo, an

Arab home continually occupied by the family since 1931 was demolished by an Israeli private contractor before scheduled appeal could be heard by the Supreme Court. The Municipality of Jerusalem has indicated it will seek indictment of the contractor.

Security forces dispersed several demonstrations by armed settlers at Deheshieh refugee camp and other sites during the year. Both Arabs and settlers have complained of intimidation through vandalism of cars and other property.

It is widely believed that mail and telephone services in the West Bank and Gaza are monitored. Individuals can be and are questioned on their political views by security officials. Such inquiries can involve overnight detention.

## Section 2 Respect for Civil and Political Rights, Including:

### a. Freedom of Speech and Press

Freedom of expression is restricted on security grounds. Proscribed acts include flying the Palestinian flag or displaying its colors, displaying Palestinian nationalist slogans, and publicly expressing support for the PLO. The Arabic press, most of which is located in East Jerusalem, remains outspoken in its criticism of Israeli policies and actions. Arrests, prison sentences, land seizures, and other politically sensitive stories are generally reported, but editorials and articles are frequently censored or excised by the Israeli censor. In 1984, a study by Israeli researchers for the Fund for Free Expression alleged that Israeli censors attempt not only to prevent the publication of national security information, but to eradicate expression that could foster Palestinian nationalist feelings or deny Israeli legitimacy.

Materials licensed to be published in East Jerusalem are free to circulate there but require an additional license, which is not always granted, for distribution in the West Bank and Gaza. Unlicensed distribution is illegal and can result in seizure of the publications and the arrest of those involved in their transportation and distribution. On December 29, 1983, the magazine As-Shira was ordered permanently closed and its owners fined for the publication of extremist PLO propaganda. The owners argued that the offending articles had been passed by the military censor prior to their publication.

Arabic educational materials, periodicals, and books originating outside Israel are censored for anti-Semitic or anti-Israeli content and for the encouragement of Palestinian nationalism. The occupation authorities have maintained a list of some 1,300 forbidden publications. Banned works include anti-Semitic and official Arab propaganda, publications of the PLO's Institute of Palestine Studies, and works by individuals identified with Palestinian organizations opposed to the existence of Israel. Possession of such materials by a West Bank or Gaza Arab is a criminal offense. The Fund for Free Expression study held that the list includes "every work that expresses or arouses Palestinian national feelings." In October, Defense Minister Rabin announced his intention to reduce the list from 1,300 to approximately 300 titles.

## THE OCCUPIED TERRITORIES

Arabic-language radio and television programs from Jordan, Syria, and other Arab countries, including broadcasts of the Voice of Palestine, are received in the occupied territories without jamming.

In September, the District Commissioner of Jerusalem announced an investigation into the proposed closure of the Arab-owned Palestine Press Service on security grounds. The matter remains pending.

Foreign journalists have not reported any difficulties in meeting with inhabitants of the occupied territories. All reports filed by the foreign press, however, are subject to military censorship.

### b. Freedom of Peaceful Assembly and Association

Israeli authorities have permitted a wide range of labor, professional, and fraternal groups organized before 1967 to continue to function. Professional associations, especially those of doctors, lawyers, pharmacists, and engineers, are active and frequently take public stands on political issues. No political parties or other groups viewed as primarily political are permitted. Public gatherings require permission, which is often withheld from both Arab and Israeli groups on the grounds of public order.

There are approximately 40 labor unions, grouped into two rival federations. No new labor unions have been created in the West Bank since the occupation, and a number of Arab unions have been disbanded by occupation authorities for alleged political activity. Strikes are legal so long as they are not undertaken for political reasons. There were no reports of arrests for labor-organizing activity during 1984.

West Bank unions are generally small and confined to urban workers in skilled craft trades. The occupation authorities must approve all candidates for election to union office. The most recent elections for leadership of the General West Bank Federation of Trade Unions were held in October 1983.

Membership in the Histadrut, the Israeli national labor organization, is open to Arab workers from East Jerusalem and the Golan Heights. Most Arabs in East Jerusalem have declined such association. Senior Histadrut leaders argue that Arab employers exploit this refusal to withhold from Arab workers the hours and wage protection afforded to Histadrut members. Histadrut has taken steps to equalize working conditions for Israeli and Golan Druze.

Since 1978 the International Labor Organization (ILO) has regularly sent fact-finding missions to Israel and the occupied territories. In 1984, an ILO team visited Israel and the occupied territories from February 23 to March 4 and issued a report in April of its findings on labor conditions. The team noted that various trade union premises had been searched by the authorities and that a number of union leaders and members had allegedly been arrested. Among its recommendations, it urged that "the impact of the state of occupation...on the exercise of trade union activities should be reduced to a strict minimum, respecting the guarantees on which freedom of association is based and thus ensuring that Arab workers from the occupied territories enjoy effective trade union coverage in accordance with the basic principles of the ILO..."

## THE OCCUPIED TERRITORIES

### c. Freedom of Religion

There is freedom of religious practice. No groups or sects are banned on religious grounds. Muslim and Christian holidays are observed without hindrance, and Muslims and Christians operate a variety of private schools and institutions. The occupation authorities tolerate the existence of a number of Islamic fundamentalist groups. There has been no reported interference with the publication or distribution of religious publications.

Israel has protected Muslim and Christian holy places and usually has assured freedom of access to them. On occasion, both Arab and Jewish groups have been denied access to religious sites on religious or security grounds. At Hebron's Ibrahimi Mosque/Tomb of the Patriarchs, Arab complaints continue that the military government has reduced Muslim access to the shrine by setting aside space and time for Jewish worshippers, and that armed Israeli troops are present inside the mosque. In September, Muslim leaders protested the installation of a closed circuit security television system, claiming that it was installed without the knowledge or consent of the Muslim authorities. There has not yet been a formal response to this protest and the camera is still in use.

During 1984, the Mufti of Jerusalem several times protested the alleged behavior of Israeli border policemen assigned to security duty inside the Haram as-Sharif/Temple Mount complex. Muslim leaders charged that they harassed worshippers and showed disrespect to Islamic sites and sentiments. In September, one of the suspects in the Jewish terrorist underground trials was convicted of participation in a conspiracy to destroy the Dome of the Rock with explosives. He was sentenced to 44 months imprisonment. Trials of other alleged conspirators are continuing. Another group of Israeli religious zealots was convicted in April of an attempted break-in at the complex to destroy the Dome of the Rock. They were convicted and are now in prison. Also in April another group of four young Israelis from Jerusalem were arrested and charged with some 12 grenade attacks on Muslim and Christian sites in Jerusalem. A nun was seriously injured in one attack.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement is generally unrestricted for Arabs within the occupied territories, but certain categories are significantly restricted. Approximately 80,000 Arabs travel daily to Israel to work. Vehicles owned by Arab inhabitants of the territories have distinct license plates and are frequently stopped for security checks. Arab inhabitants of the occupied territories are required to obtain permits to remain overnight in Israel; West Bankers are generally forbidden to remain in Jerusalem after midnight.

Most inhabitants of the occupied territories are permitted to travel abroad and many thousands do so each year. Exit visas are required. Israel issues laissez passers to residents to facilitate foreign travel after a security check. In some cases restrictions are imposed on reentry. There are also restrictions on certain categories of residents, including a mandatory minimum of nine months residence abroad for young men.

## THE OCCUPIED TERRITORIES

Temporary collective punishment bans are occasionally imposed on foreign travel by residents of areas where security incidents have occurred. Residents of at least 10 West Bank towns were banned from traveling abroad for periods of up to 40 days after security incidents. Such bans are also imposed on some individuals, including majors and other leaders and persons suspected of anti-occupation activities. Travel bans are also imposed on some individuals, including mayors and other leaders and persons suspected of anti-occupation activities. Local inhabitants are sometimes prevented from traveling abroad to attend international conferences or political meetings and are proscribed from direct contact with members of the PLO. A number of prominent West Bankers did travel to Jordan in early 1984 for meetings with King Hussein and Yasser Arafat. Although some received warnings from the Israeli authorities before and after their meetings, no sanctions were imposed.

Despite the formal state of war between Israel and Jordan, two-way travel between the West Bank and Jordan is permitted. Inhabitants of the West Bank returning from Jordan, as well as other Arabs or persons of Arab descent, are subject to searches of person and property, which many complain are unnecessarily harsh and constitute harassment.

Israel permitted all but one of the members of the Jordanian Parliament resident in the West Bank to travel freely to attend the Parliament's reconvening in January. The obstacles to that member's travel have since been removed.

Some former West Bank residents who obtained foreign citizenship after emigration from the area have claimed that upon returning to their original homes they are permitted only to remain as tourists for a limited period. West Bankers also complain that spouses and children born abroad are sometimes denied entry or residency permits.

There are no official obstacles to emigration and approximately 15,000 Arab inhabitants emigrate annually.

Gazans normally do not require approval for travel to the West Bank. Under special arrangements concluded between Israel and Egypt, thousands of Gazans regularly cross the border into Egypt, particularly to work or visit relatives in the divided city of Rafah. Israel permits Golan Heights Druze to return after attending school in Syria. It has not, however, permitted the return of Syrians who fled or were expelled from the area during and after the 1967 war.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government.

The West Bank and Gaza are ruled by a military government established after Israel's victory in the 1967 war. There is no regional self-government and only limited Arab administration at the town level; most villages retain their traditional leadership. Arab civil servants, institutions, and municipal officials operate under the military government. Israeli authorities have removed elected and appointed Arab officials, and neither these removals nor the subsequent appointment of Arab or Israeli replacement officials is subject to review by the local inhabitants or their institutions. No formal political parties or overtly political organizations are permitted. Municipal elections were held in 1972 and 1976 and were widely regarded as fair. Elections scheduled for 1980 were postponed and have not been rescheduled.

Twenty-three Arab mayors and municipal councils were elected in 1976. Fourteen of the mayors and at least four municipal councils have been dismissed by occupation authorities. The major towns of Hebron, Nablus, Ramallah, and El Bireh are ruled by Israeli officials. Arab mayors appointed by their town councils lead Halhoul and Jericho. Bethlehem and Tulkarm are the only major towns governed by elected mayors.

Arab residents of East Jerusalem are permitted and encouraged to vote in municipal elections. Israeli officials state that 20 percent of those eligible did so in the October 1983 elections, although some Arab sources claimed that it was substantially less.

Most Arab residents of the West Bank are Jordanian citizens and as such are represented by 2 senators and 30 members of the Jordanian Parliament.

## Section 4 Governmental Attitudes Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights.

A variety of local groups, both Israeli and Palestinian, are concerned with human rights issues. These groups' publications and statements are circulated in the occupied territories. The International Center for Peace in the Middle East, an Israeli organization, issued a detailed study of human rights in the occupied territories in late 1983. The West Bank Data Project, another Israeli organization, acting on behalf of the U.S.-based Fund for Free Expression, issued a report on Israeli censorship of Arab publications.

Law in the Service of Man, the West Bank affiliate of the International Commission of Jurists, is involved in legal assistance on human rights issues. During 1984, the center issued statements on several topics, including a study of the controversial new prison at Jnaid.

Israel normally permits international human rights groups to visit the occupied territories. In 1984, the International Commission of Jurists and the U.K. Committee of the World University Service published a report based on a joint mission of inquiry undertaken by the two organizations in 1983 into the problems faced by Arab institutions of higher education in the occupied territories. The report examined university closures, book censorship, and general administrative constraints imposed on the universities.

In the section of the 1984 Amnesty International report dealing with Israel and the occupied territories, Amnesty International expressed concern about the imprisonment of prisoners of conscience; the use of administrative measures, with no judicial involvement, to physically restrict individuals without charge or trial; arbitrary arrest and short-term detention without charge or trial; allegations of torture or ill-treatment of detainees; the passing of two death sentences; and the denial to thousands of detainees, captured by the IDF in Lebanon, of the protection accorded them under internationally accepted standards. Freedom House considers Israel "free;" it characterizes the occupied territories as "partly free."

## THE OCCUPIED TERRITORIES

### ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Living standards have risen substantially since 1967. In the West Bank, per capita gross income in 1983 was three times its 1967 level. Much of this increase can be attributed to the large numbers of West Bankers working in Israel and to remittances from Palestinians abroad. In 1984, however, Israel's economic problems began to affect West Bankers. Israeli statistics in September for the first time indicated a decline in the number of Palestinians working in Israel. Palestinians maintain that there has been a substantial drop in business activity since mid-year. A large but undetermined portion of the Arab work force is traditionally underemployed or engaged in seasonal work.

Economic life in the occupied territories has become enmeshed in Israeli regulations. Some are characteristic of Israeli bureaucracy; others may be used politically. While Israel is concerned that funds from the PLO or other hostile sources might be brought in under the guise of development, Arabs contend that even projects which are fully funded by proven local sources have not been approved. The new Government has indicated that it will review favorably several longstanding Arab proposals. In October, the Government announced its formal approval of a longstanding proposal for an Arab-owned bank in the occupied territories.

Israeli restrictions on the export to Israel of West Bank and Gaza products, especially agricultural produce, limit local market opportunities. The export to Jordan of agricultural products is sometimes temporarily banned by the occupation authorities as punishment of an area where a security incident has occurred. West Bank farmers and manufacturers also have suffered from periodic Jordanian restrictions on their ability to transship goods through Jordan.

Israel restricts the construction of new factories through a number of regulations. The limitation on the amount of money an individual West Banker may import was recently raised to 5,000. Several Arab municipalities have been permitted to import funds held in Jordanian banks. Arabs continue to maintain, however, that Israel restricts entry of Arab funds for economic development as well as for philanthropic or educational purposes.

The taking of land for settlements and for military use has strongly affected the lives of Arab residents, including their employment patterns. Such land amounts to some 40 percent of the West Bank. During 1984, the authorities announced an extensive road building campaign for the northern West Bank which, if implemented, will remove a substantial portion of the remaining Arab agriculture land from use.

There are more than 150 nonmilitary settlements in the West Bank (excluding unilaterally expanded Jerusalem) and Gaza, with a total population of about 32,000. Water scarcity in most parts of the West Bank constrains agricultural and urban development. Water use is a contentious issue between the resident Palestinians and the occupying Israelis.

The United Nations Relief and Works Agency (UNRWA) and the military government meet the basic educational needs of refugee students in the West Bank. Overall adjusted primary school enrollment has risen from about 56 percent of the school-age population in 1967 to about 83 percent in 1984. The number of girls receiving education has markedly increased and now represents about 45 percent of the student total.

The West Bank is served by four universities, one community college, and a variety of other educational institutions, all established or upgraded since the beginning of Israeli occupation. Most were closed for varying periods during the year after confrontation with security forces. Bir Zeit University was closed for two months and An Najah University for four. The authorities seized materials considered inciteful displayed at a university cultural exhibition and found weapons elsewhere on the campus. None of the universities receives financial support or other assistance from the occupation authorities. Representatives of all four have complained about restrictions on their activities. A recent report by the International Committee of Jurists and the World University Service concluded that the pattern of Israeli treatment of West Bank universities over the past five years has been one of "harassment going beyond what might be reasonably justified on the grounds of public order or security."

The Gaza Strip consists of 363 square kilometers. It has a population of about 500,000 with a per capita income of about $1,100. Gaza's economy advanced marginally in the early 1980's, compared with real growth of over 10 percent in the late 1960's and 5-6 percent in the late 1970's. Local employment in the Gaza Strip is highest in private and public services which provide about half the area's domestic product. Construction and agriculture each contribute roughly 20 percent and light industry 10 percent of Gaza's gross national product.

Citrus, Gaza's traditional money earner, is grown on about half the cultivated land. Citrus suffered a fourth poor year in succession in 1983-1984. Local producers attribute this decline to Israeli and Jordanian marketing restrictions, shortage of water, and rising production costs. In 1984, the Israeli tariff on citrus exported outside Israel from Gaza was reduced by more than 50 percent. Israeli authorities also have taken measures to reduce water usage in the Gaza Strip to allow the water table to rise and inhibit saline intrusion from the Mediterranean.

The local fishing industry has shrunk since the Israeli withdrawal from Sinai due to restrictions on waters in which Gazans are allowed to fish. The fishing fleet, whose 50 ton/day catch is marketed approximately two-thirds to Israeli merchants and one third locally, may support up to 25,000 people, including families of registered fishermen and those providing ancillary services. About 35,000 Gazans commute daily to work in Israel. Gaza's income from work in Israel represents about one-third of its total income according to a recent Bank of Israel report.

Since 1967, infant mortality has declined sharply and health services have improved. Gaza's basic needs for food, clothing, and shelter are largely met. UNRWA, private voluntary organizations, and the Israeli government provide special assistance to over 20,000 needy persons. Housing conditions remain especially crowded in the eight Gaza refugee camps, where approximately 210,000 of the 370,000 refugees registered with UNRWA live. UNRWA statistics indicate that, as of mid-1984, approximately 35,000 refugees had left the camps to live in Israeli government-sponsored communities. Gazans suffer from an absence of social and cultural activities. Although there is a literary journal, no newspapers are published. Inadeqate classroom space has forced double-shifting at many schools in recent years.

Gaza's El Azhar University, which retains its affiliation with El Azhar University in Cairo, offers a four-year undergraduate program to about 3,300 Gaza students. There is also local interest in creating a two-year technical/vocational college.

The Israeli-occupied portion of the Golan Heights consists of 1,295 square kilometers, and has an Arab population of about 15,000, mostly Druze and a small percentage of Alawites. Approximately 7,500 Israeli settlers live in some 32 settlements in the Golan Heights. Druze village councils have complained that they do not receive adequate funding for municipal services and local education.

Urban West Bankers are increasingly sophisticated in their social attitudes, including toward the role of women, but the rural majority continues to hold more traditional social values.

There are no legal or administrative prohibitions on the employment of women in the occupied territories, although traditional cultural mores and family commitments limit most to homemaking. Most Palestinian women holding jobs outside their homes reside and work in urban areas. Employment is concentrated in service industries, education, and health services, with a small number working in journalism, law, and other professions.

While legally women have equal access to public education, custom and family pressures limit the number of women in West Bank schools. Even so, female school enrollment is quite high in Middle Eastern standards. A little over 45 percent of the primary and secondary school students are female. While female enrollment at the postsecondary level varies between roughly 30 to 45 percent at coeducational West Bank colleges and universities, a number of teacher and vocational training centers are all male or all female.

There are a wide range of women's cooperative groups for health care, child care, handicraft production, vocational training and other services. The West Bank-wide Society for the Preservation of the Family is active in supporting women's needs.

## JORDAN

Jordan is a hereditary monarchy. It has a Constitution which gives the King broad powers. Governments are formed and dissolved at his command, and he remains the ultimate arbiter of policy. The Constitution also provides for a Council of Ministers (Cabinet) appointed by the King and an independent judiciary. It provides for a National Assembly consisting of an appointed 30-member Council of Notables (Senate) and a 60-member Council of Deputies (Parliament) elected to four-year terms. Both chambers, however, are overshadowed by the King and his Cabinet.

The modern state of Jordan emerged from the British mandate following the First World War. As a result of the 1948 war which established the State of Israel, and the 1967 war which ended in Israeli occupation of the West Bank, Jordan became the home of a large number of Palestinian refugees. Tensions between Palestinians and native Jordanians boiled over into civil war in 1970. The Government reestablished its control, with difficulty, and since then has maintained internal security through use of a strong military, public security force (police), and general intelligence directorate.

Internal security is also pursued through general oversight of the media and surveillance of activities which the Government believes could pose security risks. A state of martial law, in effect since 1967, gives the Government authority to detain individuals without charge. Despite occasional tensions between Palestinian-Jordanians and the East Bank Trans-Jordanians, relations between the two communities are generally good.

In theory, the members of Parliament are elected from both the East and West Banks of the Jordan River. Parliament may propose laws and amend and reject laws submitted to it by the Prime Minister as it pleases. The Senate, however, has authority only to approve or reject bills sent to it. The 1967 war made elections in the Israeli-occupied West Bank impossible. The King dissolved Parliament in 1976, but called it back in January 1984. By-elections were held in March to fill seats vacated during the previous eight years. Since elections on the West Bank are still not feasible, the Constitution was amended to permit vacant seats for West Bank districts to be filled by vote of the other members of Parliament.

The current state of martial law qualifies the protections of the integrity of the person affirmed in the Constitution. Invasion of the home is prohibited except by court-issued warrant. Limited use is made of the power under martial law to detain persons without trial or charge for indefinite periods. Martial law courts provide the same guarantees as the civil courts, but in practice do not grant bail. The civil and military courts provide for public trial and appeal. Political parties have been banned since 1957. Candidates for Parliament, for example, run as independents. Municipal elections continue to take place regularly.

Jordan has an essentially free enterprise economy with limited but growing government participation in some sectors, largely in basic industries. The country has very few natural resources and relies on foreign assistance and remittances from workers abroad for the greater part of its foreign exchange needs. Although Jordan is a developing country with limited natural resources, it has enjoyed healthy growth for the past decade and, partly due to the large number of Jordanians working abroad, recently has had little unemployment.

Economic stability and development have been enhanced by the fact that Palestinian refugees have been given Jordanian citizenship and participate fully in Jordan's economic and social life. Because of Jordan's dependence on outside funding, the foundations of the economy are fragile. Owing to declining foreign assistance and a weak world economy, economic growth leveled off in 1984.

Although Jordan is constitutionally an Islamic state, freedom of religion is afforded by law and enjoyed in practice. The King's support for religious tolerance plays an important role in assuring religious harmony.

Jordanian law treats men and women equally, except in matters such as marriage and inheritance. Under Islamic law, women's rights are not equal to those of men. Middle Eastern traditions, in some instances, further constrain women's freedoms.

There was a general trend of increased public participation in Jordan's political life throughout 1984. Public debate in the press increased, Parliament reopened, and the first parliamentary elections in 17 years took place in a free and open atmosphere. At the same time, martial law, a lack of habeas corpus, and broad police powers serve to limit criticism of those government policies considered essential to the national interest. In sum, the human rights situation in Jordan improved marginally in 1984.

## RESPECT FOR HUMAN RIGHTS

## Section 1 Respect for the Integrity of the Person, Including Freedom from:

### a. Political Killing

No politically motivated killings have been recorded in 1984. There have been a very few attempted or actual killings for political purposes, the last occurring prior to 1983.

Summary executions do not occur in Jordan. Jordanian law provides for trial in absentia of Arabs who sell West Bank property to the "enemy" (defined as an Israeli citizen, resident of Israel, or Israeli corporation) or who participate in the "village leagues" on the West Bank. The maximum penalty for this crime is death. Although such trials have occurred, and the death penalty has been pronounced in some cases, there is no record that it has ever been implemented.

### b. Disappearance

There were no disappearances reported in 1984.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The law which regulates the treatment of prisoners guarantees that they receive medical treatment and provides for inspection of prisons to insure healthful conditions in them. No accusations of torture are known to have been made in 1984 other than the comment in Freedom House's 1983-84 report that

"There are ... instances of torture." There is no evidence that the Government condones or practices torture.

Jordanian law provides for the decent treatment of prisoners. While spartan, prison conditions are not designed to be intentionally degrading. A modern complex is currently under construction to replace Amman's old and cramped Mahatta Prison. There appears to be no discrimination according to religion or social class in the treatment of prisoners.

d. Arbitrary Arrest, Detention, or Exile

Martial law was imposed in 1967, and reaffirmed in 1973. Under martial law, the executive authority has the power to detain persons indefinitely without trial. The security forces use this power to detain individuals suspected of cross-border infiltration or security offenses. A detained person may take his case to the High Court of Justice (an administrative tribunal) to argue that his detention on security grounds is not justified. Martial law does not provide for habeas corpus. Government authorities are not under legal obligation to notify the family members of those detained.

While exact statistics are unavailable, it appears that several dozen people were detained in 1984 for periods ranging from a few days to several months. Detainees are held in conditions similar to those of common criminals.

e. Denial of Fair Public Trial

Most criminal cases in Jordan are tried in civilian courts, under civil law approved by Parliament and ratified by the King. Military courts apply military regulations promulgated by the Defense Ministry pursuant to relevant laws. In addition, separate martial law courts are established under the provisions of martial law. The martial law court is responsible for crimes such as espionage, bribery of public officials, trafficking in narcotics or weapons, black marketeering, and security offenses. The civil courts retain jurisdiction for most other crimes. Military courts prosecute military personnel for all categories of offenses, and may prosecute civilians in certain cases.

Although the martial law court is not bound to observe normal rules of evidence or procedure, generally accepted legal practices are observed. Accordingly, defendants before this court are represented by legal counsel and may cross-examine witnesses. Sentences of the martial law court may not be appealed, but they must be ratified by the Prime Minister in his capacity as martial law governor. The Prime Minister has the authority to increase, reduce, or annul any martial law sentence. In practice, cases are reviewed for fairness by his legal advisor or the Justice Minister before the Prime Minister makes a decision. Individuals charged in martial law trials are generally handled more expeditiously than in civilian trials.

Under the civilian court system, cases must be reviewed by the public prosecutor's office within 24 hours of an arrest. The prosecutor must determine that sufficient evidence exists to warrant prosecution. The prosecutor then turns the case over to the Attorney General's office, which prepares a bill of indictment if satisfied that enough evidence exists to warrant prosecution.

The accused is entitled to be represented by legal counsel. However, many defendants are unaware of this right and fail to exercise it. The Law of Criminal Procedure specifies court appointment of lawyers for defendants who cannot obtain their own lawyers if the potential sentence is execution or life imprisonment.

Judges are selected by a board composed of the chief prosecutor, two members of the courts of Amman, Jerusalem, and Irbid, the Inspector General of the Royal Courts, and the Undersecretary of the Justice Ministry. Candidates for judgeships must prove competence in the law through a written examination. Judges may be removed from office only on grounds of specific transgression of the law and after a hearing before a disciplinary board.

In addition to martial and civil law, Muslim religious law (Shari'a) plays an important role in Jordanian life. Rights of inheritance, child custody, conduct between neighbors, and women's personal status are largely adjudicated according to Shari'a law. A separate Shari'a court system exists to resolve disputes between Muslim parties in cases dealing with subjects such as divorce, alimony, and inheritances. Christian religious courts handle similar cases between Christians. Cases between individuals of differing religions are handled by the civil court system.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Arbitrary entry of private homes by the authorities is against the law, and no such incidents were reported in 1984. Search and arrest require warrants except in cases of hot pursuit. Although there is a strong cultural tradition of respect for the privacy of the home and individuals, there is also a general popular belief that the Government is engaged in surveillance and tampering of the mails.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Although the Constitution guarantees the freedoms of speech and press, martial law is permitted and pursuant thereto a limited censorship is currently in effect on newspapers, pamphlets, books, and broadcasts in matters affecting public safety or national defense.

The Government owns and operates the radio and television networks. Private newspapers and periodicals (which are all under government influence) practice a form of self-censorship. The media generally reflect the Government's position on key foreign policy and security issues, although the Government this year has tolerated public debate in the media of most national issues. Since the recall of Parliament and the installation of the new Cabinet in January, the press has exploited this tolerance and has examined internal and foreign policies with a somewhat more critical eye. The frequent meetings between editors and the Information Minister, which the Government used the previous year to make its views known to the press, were virtually eliminated in 1984. Journalists are required to register with the Information Ministry and to become members of the Journalists Association. Foreign newspapers and magazines are widely available, though they are subject to infrequent censorship. Pornographic materials are banned.

### b. Freedom of Peaceful Assembly and Association

All organizations must obtain government approval prior to their establishment. Persons who demonstrate without first obtaining a permit are liable to be dispersed or detained by the police; permits are rarely granted. Formally organized associations are subject to the laws of their establishment. Political parties are not permitted, and charters of other organizations may not include political objectives. Government surveillance of public meetings, university activities, and organization gatherings is routine.

Jordanians may join labor unions and professional organizations. Such associations require government license, but this is granted routinely. Unions and associations are permitted to defend the interests of their members, and their officers are elected by the membership. Strikes are legal; however, the Labor Ministry must be notified in advance (14 days for small firms, 28 days for large firms). During this period, the Ministry attempts to arbitrate. If these efforts fail, employees may strike and have done so.

Only 20 percent of Jordanian labor is unionized; the low proportion is due primarily to the population's lack of familiarity with unions rather than government or business efforts to suppress unions. The unions maintain that the proportion of the work force they represent is growing. Unions have virtually no political role. Professional associations among doctors, engineers, lawyers, pharmacists, and similar professional groups operate freely. Unions and professional associations may and do maintain contact with international organizations in their fields. Unions routinely participate in international organizations such as the International Labor Organization and the Arab Labor Organization and take part in their conferences.

### c. Freedom of Religion

Islam, the state religion, is followed by the great majority of Jordanians. The Constitution guarantees freedom of worship. Persecution or harassment of Christians (about 5 percent of the population) or other minorities is against the law as well as government policy. The only restraint on non-Muslims is a prohibition against proselytizing Muslims. Christians are represented in the Government and military roughly in proportion to their share of the population, although the most senior positions are traditionally reserved for Muslims.

There appears to be little difference between adherents of the religions in social or economic status. Nevertheless, some tensions exist between the Islamic and Christian communities.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Travel within the country (with the exception of certain military zones) is unobstructed. With a few exceptions, the Government does not restrict emigration or travel abroad by its nationals.

Women and minor children are required to have the written consent of their husband, father, or oldest male relative to obtain a passport. Such persons traveling alone generally are presumed by the authorities to have permission to travel.

## JORDAN

Jordan has faced a long-term refugee problem from the influxes of Palestinians made homeless by the 1948 and 1967 Arab-Israeli wars. According to the most recent United Nations Relief and Works Agency (UNRWA) statistics, Palestinian refugees and their descendants on the East Bank now total approximately 1 million. Of these, approximately 203,000 now live in refugee camps. This total does not include a large but undetermined number of other persons from the West Bank, the Gaza Strip, or Israel who have settled in Jordan since 1948. All of these people have been granted Jordanian citizenship and have the unrestricted right to live, work, and own property.

There are no restrictions on these or any other citizens who might wish to return to Jordan after a period spent abroad. Jordanians who have traveled or studied abroad, especially in Communist countries, often have their passports taken by the general intelligence directorate upon their return. Passports are returned after the travelers answer questions on security matters, espionage, and contacts with Communists.

Jordan allows the movement of peoples between the East Bank and Israeli-occupied territories, reminding critics that such travel is humanitarian, helps maintain West Bank-Arab ties, and is economically advantageous to the inhabitants of the occupied territories.

Jordan recognizes the right of asylum even in cases which have resulted in strained relations with neighboring states.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Organized political parties are not permitted. The Communist Party is prohibited by law. There is an appointed Senate and a Parliament elected by universal suffrage and secret ballot.

Parliament was dissolved in 1976 after having become moribund in the wake of the 1967 war with Israel. From 1976 to 1984, the King ruled with the advice of the National Consultative Council, an appointive body he established for the purpose. On January 5, 1984, the King restored the Parliament. A flurry of campaigning followed as almost 200 candidates vied for the 8 seats which had become vacant through attrition. Elections were held in March and the campaign was generally accepted as fair and open.

Parliament is still composed largely of members elected in the last national election of 1967. Since that time, general elections have been impossible because of the Israeli occupation of the West Bank. The country is still seeking a formula which will provide adequate parliamentary representation for the West Bank in lieu of Jordanian-sponsored elections there.

The councils of most cities and towns are elected by popular vote. King Hussein has taken steps to increase the participation of women in the political process, appointing the first female cabinet minister in Jordan's history in 1979.

A certificate of good conduct is required for government employment and for work or study abroad. It may be requested by any employer. The certificate is provided or refused by the General Intelligence Directorate based on review of the candidate's record and, at times, following an interview with the individual concerned.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

Jordan has attracted little attention from private or international human rights organizations. The Jordanian lawyers' professional association has formed a human rights committee, but it is not active. The International Committee of the Red Cross maintains an office in Amman. Its representative visits all prisons and detention facilities regularly. He is allowed access to all prisoners and detainees, and the Government is responsive to his recommendations. Amnesty International has made inquiries about specific cases from time to time, focusing on detention without trial and on the death penalty, but it did not cite Jordan in its 1984 report. Noting that Jordan has held important by-elections and reconvened its long absent Parliament, Freedom House rates Jordan 'partly free,' an improvement over its previous rating of 'not free.'

The Government has played an active role in the International Labor Organization and the U.N. Human Rights Commission. The Crown Prince is a cofounder of the Independent Commission on International Humanitarian issues.

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

From 1967 through 1981, Jordan's economy grew at an average annual real rate of over 9 percent. Since 1981, growth has slowed, dropping to about 5.4 percent in 1983. The latest World Bank statistics show per capita gross national product (GNP) as $1,344.10 in 1982. According to the Central Bank of Jordan, per capita GNP in 1983 rose to approximately $2,036, up from $1,700 in 1982. Some 17 percent of the rural population and 14 percent of the urban is considered to receive income below the absolute poverty level, according to World Bank figures for 1979. Services, including government, contributed some 61 percent of the total national output, followed by the industrial and construction sectors (25 percent), agriculture (7.5 percent), and mining (4 percent). Jordan remains heavily dependent on external aid with 51 percent of its budgetary resources coming from external sources. Inflation in 1983 stood at 5 percent.

Most unemployment in Jordan is structural. The domestic work force of nearly 450,000 is close to full employment. Significant numbers of foreign workers, estimated at over 120,000, have entered the country in recent years, primarily from Egypt. While some 320,000 Jordanians continue to work abroad, principally in Saudi Arabia and the Persian Gulf countries, these states have reduced the number of foreigners admitted to work in the past few years. Women are steadily increasing their numbers in the work place. Women now comprise 20 percent of the total labor force, compared to 4 percent in 1975. They participate broadly in the professional, clerical, and managerial sectors.

Jordan has a heavy trade deficit (imports exceeded exports by a factor of 5 to 2 in 1983), offset by remittances from Jordanians working abroad and by foreign aid, mostly from friendly Arab states. Rapidly rising remittances and foreign aid permitted a 28 percent annual rate of increase in imports during 1975-1981. More recently, remittances have leveled off, primarily because of adverse economic conditions in the Gulf states where most expatriate Jordanians work. Remittances were about $1.1 billion in both 1982 and 1983. Direct aid from the Arab countries has also declined sharply from its peak level of $1.2 billion in 1981 to less than $800 million in 1983. As a result, imports increased by only 2.2 percent in 1982 and declined by 6.3 percent in 1983. This shrinkage of imports both reflected and contributed to further economic slowdown.

Jordan's population is 2,689,000, with an annual growth rate of 3.80 percent. Of this, about 60 percent live in the city but another 20 percent live in suburban and semiurban areas, making Jordan a highly urbanized society. Approximately 10 percent of the population are Palestinian refugees who still live in shelters supervised by the United Nations Relief and Works Agency. The population below the age of 15 is 51.8 percent, resulting in a high dependency ratio. Life expectancy at birth is currently 59.8 years for males and 63.6 years for females (the World Bank 1984 figure is 63.76 years.) Infant mortality is estimated to be 69 per 1,000 live births. (The World Bank estimate of infant mortality rate for 1984 is 53.30 per 1,000.)

Health facilities in Jordan are widely distributed, but uneven in quality. Facilities range from the most modern in the cities to rural village clinics which have a doctor in attendance only infrequently. At present there is one doctor for each 960 Jordanians residing on the East Bank. By 1986 there is expected to be one doctor for each 568 residents. In 1981 there were 16.7 hospital beds for each 10,000 inhabitants, but a planned increase should raise this number to 25.8 per 10,000 by 1986.

Although education is free and compulsory through the ninth grade, primary school (1-6) enrollment rates which are close to 100 percent drop to about 52 percent in preparatory (7-9) and 74 percent in secondary (10-12) schools. The latest World Bank figures available are for 1981, when the primary school enrollment ratio was 89.93 percent for males and 86.74 percent for females. Adult literacy has increased dramatically over the past 20 years. At present, some 65 percent of all those above the ages of 15 are literate, with males at 71 percent and females at over 55 percent.

While chlorination and treatment of some water is carried out in Jordan, water is not always safe and incidents of contamination are common. The latest World Bank statistics, for 1982, estimate that 80 percent of the population then had access to safe water.

Jordanian citizens are accorded equal treatment in social services such as health, education, and some subsidized foodstuffs. Despite limited natural resources and a rapidly growing population, the standard of living has risen during the past decade.

Jordan's essentially free enterprise economy has created many opportunities for its people regardless of religious, ethnic, or tribal background. There is no evidence of government-encouraged discrimination. Women in Jordan, as in other states of the region, are traditionally disfavored economically and, to a lesser extent, educationally. The status of women is heavily influenced by traditional social values which fix women in the role of housewife and mother. For example, women are still required to have the written permission of the family's eldest male in order to travel. This pattern, however, is changing. The Government encourages more female participation in the labor force. Women work in managerial, professional, and clerical positions in the public sector, the military, and the police, albeit in much lower numbers and at a generally lower level than men. Women are steadily increasing their numbers in the work place. Women now comprise 20 percent of the total labor force, compared to 4 percent in 1975. Women have the right to initiate divorce under limited circumstances; they have the right to own and inherit property; and they have priority "rule of first right" for the custody of minor children.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
## (U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: JORDAN

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 15.4 | 20.1 | 20.0 |
| LOANS.............. | 10.0 | 10.0 | 7.0 |
| GRANTS............. | 5.4 | 10.1 | 13.0 |
| A.AID ................ | 15.0 | 20.0 | 20.0 |
| LOANS.............. | 10.0 | 10.0 | 7.0 |
| GRANTS............. | 5.0 | 10.0 | 13.0 |
| (SEC.SUPP.ASSIST.)... | 15.0 | 20.0 | 20.0 |
| B.FOOD FOR PEACE....... | 0.4 | 0.1 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.4 | 0.1 | 0.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.4 | 0.1 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.4 | 0.1 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 56.9 | 52.8 | 116.7 |
| LOANS.............. | 54.9 | 51.5 | 115.0 |
| GRANTS............. | 2.0 | 1.3 | 1.7 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 54.9 | 51.5 | 115.0 |
| C.INTL MIL.ED.TRNG.... | 2.0 | 1.3 | 1.7 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 72.3 | 72.9 | 136.7 |
| LOANS.............. | 64.9 | 61.5 | 122.0 |
| GRANTS............. | 7.4 | 11.4 | 14.7 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 75.6 | 35.8 | 145.2 | 610.3 |
| IBRD | 60.0 | 35.8 | 130.0 | 350.8 |
| IFC | 10.3 | 0.0 | 0.7 | 96.1 |
| IDA | 0.0 | 0.0 | 0.0 | 83.8 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 1.8 | 0.0 | 0.0 | 39.7 |
| OTHER-UN | 0.5 | 0.0 | 0.0 | 7.4 |
| EEC | 3.0 | 0.0 | 14.5 | 32.5 |

## KUWAIT

Kuwait is ruled by the Al Sabah family. Kuwait's amirs have traditionally governed in consultation with members of several commercially powerful families and other influential community leaders. The 1962 Constitution, written after Kuwait gained independence from the United Kingdom, contains detailed provisions on the powers and relationships of the branches of government and on the rights of citizens. Kuwait's National Assembly institutionalizes a degree of consultation with the ruling family and serves as an outlet for popular expression, including criticism of the Government. The current Assembly has 50 members, elected from a narrow electorate of males who can trace their Kuwaiti nationality through the male line to 1920. Political activity is also restricted by the ban on the formation of political parties.

The Kuwait citizenry is 65-70 percent Sunni Muslim; the remainder are Shi'ite Muslim plus a tiny minority of Christians. Although the members of Kuwait's Shi'a minority perceive themselves as largely excluded from leadership positions in the Government, many of them have achieved great wealth. In addition, the Iranian revolution has made the rulers more responsive to Shi'a sensitivities. At the same time they keep a watchful eye on Shi'a loyalties. Meanwhile, the majority Sunni community has been subject to internal pressure by the upsurge of Islamic fundamentalism which is centered in the young, and frequently conflicts with attitudes of the traditionally moderate members of the merchant class.

Kuwaitis are a 40 percent minority in their own country. Of the approximately 1 million non-Kuwaitis, around 350,000 are Palestinian long-term residents, many in their second generation. Non-Kuwaitis are given due process under the law but have few other civil and political rights.

Although the Government restricts the political and civil rights of all residents, and particularly those of women and expatriates, it does not interfere drastically with the integrity of the individual. Kuwait's security apparatus is used primarily to maintain internal order. It does not engage in political suppression. The role of Kuwait's security organizations increased substantially in 1984, particularly with regard to the non-citizen community. Conscious of being a minority in their own country, the Kuwaitis' sense of vulnerability has been heightened by increased political turbulence in the region. Foreign-inspired terrorism (such as the December 1983 bombings of Kuwaiti installations and the American and French embassies and the hijacking of a Kuwaiti Airways flight to Iran in December 1984) and attempts by agents of foreign governments and organizations to subvert elements of the population have led to tightened security measures and legal restrictions on public gatherings and dissemination of "subversive" literature. Increased attention to law and order is also viewed by some Kuwaitis as a means to protect their society against the threat they perceive to Kuwaiti moral and social values from the large foreign population. Since the December 1983 bombings, security organizations have assiduously applied regulations governing expatriate presence in Kuwait. Consequently, larger numbers of non-Kuwaitis have been deported than in past years.

The long-term trends for human rights are a subject of much speculation in Kuwait. Internal socio-economic changes brought on by sudden oil-related wealth, coupled in recent years with violent revolution in Iran, the Iran-Iraq war, and the perceived failure of wealth to solve local and regional political problems, have led to a growing demand by well organized groups for stricter controls over public morality and political expression. A resurgent Islamic fundamentalist movement advocates adoption of a more stringent legal code based on Islamic Shari'a law.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

In 1984, there were no reported incidents of political killing.

#### b. Disappearance

There were no reported disappearances in 1984.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Local security forces, without authorization, occasionally use physical violence when interrogating individuals suspected of committing criminal acts. These incidents do not appear to be widespread or condoned. Non-Kuwaitis are more likely to receive rough treatment than are Kuwaitis, and the seriousness of the suspected crime also appears to be a determining factor. Evidence of mistreatment during interrogation is a defense in Kuwait's courts and has led to the release of a number of suspects. In the case of those charged in the 1983 terrorist bombings we have no information that the accused received harsher treatment than other persons suspected of committing criminal acts.

Kuwait's prisons are managed along modern lines. Treatment is humane, and the Government provides food and other necessities. Young offenders, few of whom are imprisoned, are separated from persons charged or convicted of serious crimes. There is no policy of discriminatory treatment among prisoners for racial or religious reasons.

Although the legal process is based in part on Islamic law, punishments such as mutilation or stoning are not permitted. Some fundamentalist members of the National Assembly have attempted to force the Government to adopt Islamic law fully, and by extension its harsh punishments, as the only basis for legal process, but their efforts have not been successful.

#### d. Arbitrary Arrest, Detention, or Exile

In 1984, there were no reports of individuals detained for political reasons in Kuwait. Arbitrary arrest and imprisonment are prohibited by the Constitution. With occasional exceptions, such practices are not sanctioned by the Government. Individuals may not be denied due process or held for more than four days without charge, and a prosecutor's approval is required for detention periods beyond 24 hours. Thereafter the suspect must either be released or charged by a prosecutor, who may authorize detention for up to an additional 21 days. Further detention pending trial may be authorized by a judge. Warrants are required unless an individual is apprehended in the act of committing an offense. These procedures are followed in practice. Road blocks and spot checks of outdoor gatherings of expatriates, especially of South Asians, are used sporadically by the police searching for illegal immigrants and contraband liquor. Persons without proper identification may be detained by the police under the procedures described above. A number of Kuwaitis and non-Kuwaitis were detained and interrogated following the 1983 terrorist bombings. While preliminary evidence indicates that some detentions were arbitrary, it appears that the procedures for prosecutor's approval and formal charges described above were followed. Although there have been some unconfirmed reports of incommunicado detention following the bombings, this does not appear to be a common practice.

No Kuwaiti citizen may be exiled or denied return to Kuwait. However, a non-citizen, even if a long-term resident, may be summarily expelled without a specific charge against him if considered a troublemaker by the authorities. As a result of security measures taken following the 1983 terrorist bombings, a substantially larger number of non-Kuwaitis were deported in 1984 than in previous years. The vast majority however, were individuals who had arrived in Kuwait illegally or whose residence permits had expired.

### e. Denial of Fair Public Trial

Kuwait's judicial system is independent and provides for public trial, the right of appeal, and representation by an attorney of one's choice. Failure of the police to respect a suspect's rights may provide a defense in the courts. Trials in absentia have occurred. In such cases, the defendant is allowed an additional right of appeal. There are no reports of secret or unfair trials or of discrimination against defense counsel. However, the court-appointed attorney of a defendant unable to engage his own lawyer is not always given adequate time to prepare a defense. Interpretation of court proceedings to ensure their understanding by non-Arabic-speaking defendants is sometimes inadequate. A special state security court was established by Amiri decree in December 1983 to try those charged in the terrorist bombings. In the subsequent two-month trial, the Government strictly applied procedures established for regular criminal courts, including the provision of defense attorneys for each of the accused. Except for the opening and closing sessions of the tribunal, however, all hearings were conducted in camera, rather than publicly. Six of the accused were sentenced to death, including three tried in absentia. A number of others received prison sentences of varying lengths, and five were acquitted. The death sentences were referred to the Amir, as required by law, but as of November 1984 no decree had been issued to carry out the sentences. (Such delays are not unusual: several death sentences against individuals found guilty of capital crimes have been awaiting issuance of execution decrees for over a year.) There were no prisoners known to be serving sentences for nonviolent political offenses in 1983. According to the Constitution, military courts have jurisdiction only over offenses committed by members of the armed or security forces, except during periods of martial law (which has never been declared in Kuwait). The Amir has the power to pardon or to commute sentences passed by either civilian or military courts and has occasionally done so.

## KUWAIT

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The right to individual privacy and sanctity of the home is provided for in the Constitution and respected in practice. Warrants are required to search, unless the police are in hot pursuit of a suspect fleeing the scene of a crime or where there is an indication of the presence of alcohol or illegal narcotics. Search warrants to enter residences or businesses are issued by a public prosecutor. Expatriates, and particularly common laborers and servants who live in accommodations provided by their employers, may have their premises searched by the police with authorization only of the employer.

Although many expatriates in Kuwait are non-Muslims, Kuwait absolutely prohibits on religious grounds the sale of alcohol or pork products. Beyond these restrictions, the Government does not arbitrarily or unnecessarily intervene in the private lives of Kuwaiti citizens or expatriates.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Constitutional guarantees in this area are conditional, being modified by such phrases as "in accordance with conditions and manner specified by law." The average Kuwaiti or Kuwait resident feels free to offer his opinion in private without fear of official retaliation. No one may make a written or public attack upon the Amir and the ruling family, upon Islam, or upon leaders of friendly Arab states. Kuwait has an active censorship department, which reviews all books, films, videotapes, periodicals, and other material entering Kuwait in bulk or for commercial purposes. In practice, references to the State of Israel are often excised from educational materials, reference works, and maps. Items arriving by post for individuals or institutional use are usually not opened before delivery, unless the contents are suspected of being pornographic. Printed and visual material produced within Kuwait is not subject to precensorship, but is liable to government action after publication or release. Radio and television are government-owned and controlled.

The Kuwaiti press is not precensored. Articles and editorials critical of government action or of individuals appear infrequently. The press law sets down several categories which are restricted. These include criticism of the Amir and the ruling family; official confidential communications or treaties and agreements with other states; material which might disturb relations with Arab and friendly states or which might prove embarrassing to their heads of state; and a general category of stories which "might incite people to commit crimes, create hatred, or spread dissensions among the people." In practice, the list is interpreted selectively and violators are usually only issued warnings. Editors and publishers are liable to imprisonment and fines for violations, but to date there have been no known imprisonments. Editors are generally careful not to offend the Government. In 1984, two weekly magazines were closed temporarily for publishing articles considered offensive by the Government. The closures were based on court orders and, in one case, followed prior warnings to the chief editor of the magazine. In hearings following the suspensions, one of the editors was sentenced to pay a small fine while the other was acquitted of the charges. The Kuwaiti National Assembly is expected to consider again in the near future a government-proposed press law which will detail more explicitly the restricted areas, as well as spell out more rigorous punishments.

The Government permits the use of languages other than Arabic in speech, print, and private schools.

## b. Freedom of Peaceful Assembly and Association

Political parties are banned in Kuwait. Political activity finds some outlet in social clubs and religious societies, as well as through family or neighborhood gatherings known as "diwaniyyas." The Constitution protects private assembly, public meetings, processions, and gatherings which are peaceful and not contrary to public morals. However, any group of more than three people desiring to meet for public discussion (or to meet privately but issue a public statement) must receive explicit prior permission from the Ministry of Interior. The authorities may prevent such an assembly merely by ignoring the request. During 1984 there were no mass gatherings in Kuwait, except those associated with religious observances. In the case of an October 1984 Shi'a religious commemoration with potential political overtones, security forces were highly evident, although they did not interfere.

Kuwait permits trade unions, although only government employees and the petroleum, banking, and airline sectors are unionized. The majority of union members are civil servants. Kuwaiti citizens and expatriates residing in Kuwait for five years are permitted to join unions. Only Kuwaitis may vote in union elections or hold union office. Kuwait's labor unions play only a minor economic role and virtually no political role. Nevertheless, unions do serve as an outlet for grievances and their views receive some government attention. The right to strike is officially recognized, but seldom exercised. Kuwaiti refinery workers of the state-owned oil company struck in the spring of 1983, but returned to work after some of their demands were met. During 1984 the petroleum workers successfully resisted an attempt to reduce their medical benefits without resorting to strike action. There is no apparent harassment of professional groups, bar associations, scientific bodies, or labor unions, which are also permitted to participate in international bodies. The Kuwait Federation of Trade Unions, grouping the government and petroleum workers, is a member of the International Confederation of Arab Trade Unions and the World Federation of Trade Unions. Kuwait is an active tripartite member of the International Labor Organization (ILO). In 1984 the ILO requested Kuwait to amend its labor laws to bring them into conformity with various ILO conventions to which it is a party.

## c. Freedom of Religion

While the Constitution declares that "freedom of belief is absolute," it states further that its practice is not to "conflict with public policy or morals." Kuwait's state religion is Islam, and the Shari'a (Islamic law) is, according to the Constitution, "a main source of legislation." The ruling family and most prominent Kuwaiti families are Sunni Muslims. There is no official policy of discrimination against Shi'a Muslims, who constitute about one-third of Kuwait's citizenry, but they and members of Kuwait's tiny Arab Christian minority are seldom appointed to sensitive government positions. There are a number of expatriate Christian congregations in Kuwait and several churches. In recent years the Government banned Christmas parties in the country's hotels and restaurants. Pressure from fundamentalist Islamic groups was the unstated reason for the restriction. Expatriate practitioners of Eastern religions, e.g., Hindus, Sikhs, and Buddhists, are not allowed to establish places of worship in Kuwait but may worship privately in their homes. Proselytizing of Muslims by non-Muslims is prohibited.

In the past two years there have been initiatives within the National Assembly to enforce greater compliance with Islamic practices. The Assembly has also barred the future granting of citizenship to non-Muslims, prohibited all importation of alcoholic beverages, and repeatedly attempted to establish Islamic law as the basis for all legal process. Assembly members have also pressured, with some success, those campuses of Kuwait University which are sexually integrated to separate the sexes in the classrooms and in other facilities such as cafeterias. The Government has accommodated the National Assembly's demands for application of some fundamentalist principles in Kuwait. It has, however, blocked attempts in the Assembly to apply Islamic law across the board.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Kuwaiti citizens generally are free to travel inside and outside the country, to emigrate, and to return. There is some restriction on foreign travel for young men who have not completed, or been exempted from, their compulsory military service. Those serving in the military must receive permission from the Ministry of Defense before traveling abroad. While there are no different legal standards regarding the internal or foreign travel or emigration of Kuwaiti women, in practice husbands can prevent their wives and minor children from leaving the country.

There are occasional instances in which citizens' passports are suspended temporarily. Generally, this occurs only for criminal suspects but has also happened to some outspoken critics of the regime. By late 1984, upwards of 400 Kuwaitis were barred from traveling abroad because of debts remaining from the collapse of an extra-official stock market two years earlier. Representatives of societies, associations, and trade unions wishing to travel to and participate in international meetings have to receive prior permission. While the Constitution states "no Kuwaiti may be deported from Kuwait or prevented from returning thereto," individuals have been stripped of Kuwaiti citizenship and deported. Such actions have been rare and have in some cases been based on the voluntary acquisition by the individual of foreign citizenship. No such incidents occurred in 1984.

All non-Kuwaitis working in Kuwait must have the sponsorship of a Kuwaiti citizen. Kuwait does not extend permanent residence to its expatriate population. Thus, employers have the power to restrict job mobility and the continued residence in Kuwait of their expatriate employees. Because Kuwaiti sponsors are legally responsible for their employees' actions, many expatriates (including some government employees, such as teachers) are coerced by their employers into surrendering their travel documents, thus preventing them from leaving the country without the employer's consent. Those employed by government agencies are given residence visas which require an exit permit or "no objection" letter in order to leave the country. Non-Kuwaitis convicted of crimes are routinely deported after serving their sentences.

Illegal entrants to Kuwait are normally returned to their home countries; exceptions have been made for those, mostly Iranians and Afghans, who are considered by the Government to be legitimate refugees and have been permitted to remain in Kuwait or sent to third countries. Among Kuwait's large Palestinian population, most have Lebanese or Jordanian travel documents. Undocumented Palestinians, and in 1984 those with Lebanese documentation, have received commitments from the Government that they will be allowed to stay even without sponsors.

In the past few years, as the Government has sought to reduce its "permanent resident" foreign community, in response to economic problems and internal security concerns, fewer expatriates who were not already residents have been granted permission to enter the country. Also, some expatriates going abroad to study have had difficulty reentering Kuwait, despite government assurances that expatriate students would be permitted to rejoin their families.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Al Sabah, a family of Bedouin origin, have ruled Kuwait for over 200 years. The 1962 Constitution limited succession to descendants of Mubarak the Great, the ruler at the turn of this century. In practice, the ruler and senior family members choose the Crown Prince from either the al-Jabir or the al-Salim branch of the Al Sabah. Under the Constitution this choice is confirmed by majority vote of the National Assembly. Executive power is vested in the ruler and, under him, in an appointed Council of Ministers whose chairman by tradition is the Crown Prince.

Upon independence, Kuwait inaugurated a National Assembly composed of 50 deputies, elected by secret ballot, plus cabinet members (presently 16, including the Prime Minister), sitting ex officio. Candidates for the National Assembly are self-nominated; multiple candidates compete for the 50 seats. A "grandfather clause" effectively limits suffrage to adult males who resided in Kuwait before 1920 and maintained a residence there until 1959, and their descendants. Women's suffrage was considered and rejected by the National Assembly in 1982. A Kuwait women's organization was unsuccessful in 1984 both in its attempts to register women to vote and to take the issue to the constitutional court.

The National Assembly reviews government policy and programs, including budgets, and makes recommendations. It questions ministers on a variety of subjects, especially their ministries' responsiveness in public services. Government policy is criticized in the Assembly, which only rarely rejects government-proposed legislation. Its main political function is to serve as a forum for creating and expressing a popular consensus on national issues.

## KUWAIT

Constitutionally, the National Assembly can bring down the Government or force individual cabinet members to resign. In fact, since the Prime Minister is by tradition also the Crown Prince, the Assembly has exercised this right only once. Should the Assembly declare that it is unable to work with the Government, the Amir may dismiss the Government. He has the option, however, of dismissing the Assembly and calling new elections, which is the more likely course.

Informal contacts between rulers and ruled are an important feature of the Kuwaiti political system. Traditionally, adult male Kuwaitis have had relatively easy access to their tribal and religious leaders, to the heads of the prominent merchant clans, and to the ruling family itself through the system of "diwaniyyas," informal clubs to which anyone can come and freely speak his mind. That custom has endured, as has the tradition that the Amir should govern in consultation with the other community leaders. High-ranking officials are also approachable through "wasta," the use of influential family members or acquaintances as intermediaries in obtaining favors or a more favorable hearing for one's case.

While Kuwaiti citizens participate to a limited degree in the political process, non-citizens, who outnumber Kuwaitis by three to two, have no role. Kuwait has been reluctant to extend citizenship to those of non-Kuwaiti origin, with the exception of certain stateless Bedouin. Naturalization of even Kuwait-born persons is rare. This anomaly is particularly striking for the 350,000 Palestinians, the second largest segment of the population. Citizenship has been extended only to a few Palestinian families who made significant contributions to Kuwait before the early 1970's. In 1984 the National Assembly passed a bill authorizing the naturalization of 500 persons annually. The Government has established a committee to draw up criteria for granting citizenship but the results of its deliberations are not expected in the near future. While expatriates have almost no say in internal affairs, they are permitted considerable freedom in conducting activities affecting their homelands. However, expatriates who violate sanctions against involvement in Kuwait's affairs or whose activities risk embarrassing Kuwait in its foreign relations may be summarily deported.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

Amnesty International, in its 1984 report, expressed concern about reports that, in addition to the individuals charged with carrying out the terrorist bombings in 1983, large numbers of Kuwaiti, Iranian, and Iraqi Shi'as were also arrested, that some were ill-treated and held incommunicado, and that large numbers of the Iraqis had been deported or threatened with deportation to Iraq. Freedom House calls Kuwait "partly free." There are no known current requests by nongovernmental organizations to examine human rights in Kuwait. While Kuwait has not taken initiatives internationally on most human rights questions, it is among the strongest proponents of the rights and claims of Palestinians.

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The Government has an extensive social welfare program to spread the benefits to all citizens of the extremely high per capita gross national product, estimated by the World Bank to have reached $19,873 in 1982 though less in subsequent years. The distribution of this wealth is heavily skewed in favor of Kuwaitis. Programs are designed to provide Kuwaitis with housing, family allowances, retirement income, medical care, education, and employment. Improved health care has resulted ~~in~~ a drop in the infant mortality rate to 21.6 per 1,000 live births and an increase in life expectancy for Kuwaitis, as of 1984, to 71.5 years. Although exact figures are unavailable, few if any individuals are below the absolute poverty level and malnutrition has been effectively eliminated. In 1980, the adult literacy rate for Kuwaitis was 63.4 percent with 71 percent of those over ten years of age literate.

The major social distinction in Kuwait is between Kuwaiti nationals, who comprise only 40 percent of the population, and expatriates. Ownership of commercial establishments (above 49 percent), real estate, and shares on the local stock market (the principal sources of private wealth in this capitalist economy) is open only to Kuwaitis. The current economic recession threatens the expatriate community by encouraging efforts to reduce the number of long-term resident non-Kuwaitis. Expatriates, therefore, feel more insecure than in the past, and many have begun to look for employment outside Kuwait.

Expatriate workers often earn the same base pay as Kuwaitis but receive less in fringe benefits. Benefits restricted to Kuwaiti citizens include higher government salaries, additional government stipends and social allowances, and in general, retirement pensions. Resident expatriates are entitled to some medical benefits and to elementary and secondary schooling (but not kindergarten) for their children in the public schools. Kuwaitis are given preference for admission to the University of Kuwait. Many temporary "guest workers" come to Kuwait without their families and live in camps or crowded apartments.

Kuwaiti women are allotted a subordinate role by statute and practice. Denied the vote, women are also limited by tradition from freely choosing their place in the society, though less so than in some other Islamic countries. Nevertheless, there are Kuwaiti women who are outspoken in their demand for a broader role in society. In contrast to the practice in some neighboring countries, a Kuwaiti woman is permitted to drive a car, may wear Western dress in public, and has legal access to higher education inside and outside the country. Although women have yet to join the work force in large numbers, they are able to compete for government and corporate employment and have the right to litigate against men (for example, in child custody suits). Many women have accumulated substantial personal wealth. However, the Government has restricted women from being assigned abroad in Kuwait's diplomatic service. Some prominent, educated women also are wary of current fundamentalist trends which they fear may lead the Government to restrict their freedoms as a price for fundamentalist restraint on other issues.

## LEBANON

Lebanon is endowed with democratic institutions. Its Constitution provides for a unicameral parliament which elects the President. Newspapers and private radio stations representing a broad spectrum of political opinion operate with relatively little government interference. A private enterprise economic system prevails. Although restricted by a conservative male-dominated society, women have had access to education, and many have been able to play a role in the arts and professions. Lebanon's numerous religious groups have enjoyed freedom of worship. Since independence in 1943 an unwritten agreement known as the National Pact has provided for the division of elective offices and civil service jobs among religious groups, according to their proportion of the population as determined by a census taken in 1932.

Civil strife since 1975 has rendered government institutions largely irrelevant to most Lebanese. Unofficial militias have seized control of many parts of the country, where they levy taxes and enforce their own version of justice without regard to the central Government or legal norms. The presence of Syrian/Palestinian military forces in the northern third of the country and Israeli forces in the southern third has greatly diminished government authority in these regions. Even in greater Beirut, the only area of the country theoretically under government control, government authority does not go unquestioned.

Ten years of violence have severely weakened the Lebanese tradition of respect for the rights of others. Not only have civilians been endangered unintentionally by opposing groups which have fought major battles in densely populated areas, but noncombatants far removed from battle-fronts also have been the deliberate target of indiscriminate violence (terrorist bombings, random shellings, abductions, etc.).

The violence has had a devastating effect on a once prosperous economy. The division of the country into zones controlled by militias and foreign armies has disrupted trade and led to serious economic hardship in some areas. Business confidence has evaporated; new investment has dried up; and remittances from overseas Lebanese (a major source of foreign exchange) have dropped sharply.

The year 1984 brought no improvement to the human rights situation. As a consequence of many months of fighting involving government troops and the several militia forces, hundreds of civilians were killed or injured, many lost their homes or had them severely damaged, and freedom of movement was severely limited. Economic conditions deteriorated further, causing widespread hardship. The value of the Lebanese pound plummeted and unemployment and underemployment increased.

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

Lebanon's contending factions have come to view political killing as a normal part of their struggle. Violence is not limited to battles between fighters belonging to the various parties but also is employed against noncombatants both indiscriminately and in carefully planned attacks, costing the lives of tens of thousands of Lebanon's inhabitants. Although there are no accurate statistics, it is clear that political killings occurred on a regular basis in 1984.

The lives of thousands of civilians were endangered by artillery fire in 1984. On many occasions this fire has appeared to be deliberate. Civilians have also been the target of indiscriminate terrorist violence. On several occasions car bombs have exploded in crowded streets, killing and wounding large numbers of passersby. In most instances these explosions have occurred in neighborhoods in which one confessional group predominates and have thus appeared to be an attack against that group's members.

There have also been massacres of unarmed civilians. According to the international media quoting Israeli sources, on September 19 a patrol of the Israeli-armed and -trained Army of South Lebanon (ASL) was ambushed in the predominantly Shi'a town of Suhmur in Israeli-occupied south Lebanon and four Lebanese Druze members of the patrol killed. On the following day Army of South Lebanon troops accompanied by Israeli officers returned to Suhmur and ordered all males in the town to assemble for an investigation of the incident. After 500 men had gathered on the edge of town, relatives of the slain Druze (ASL) troops arrived on the scene and began firing at random with automatic rifles at the assembled townsmen in an apparent effort to avenge their kinsmen. The attackers killed 13 Suhmur men and wounded 22 before Israeli officers present could stop them. Fifteen Druze men from a nearby town were subsequently arrested by the ASL in connection with this attack.

In addition to random acts against civilians, there have been numerous carefully planned attacks against politically important individuals. The senior Druze cleric in Beirut was assassinated on December 1, 1983. In Tripoli, a senior official of the Tawhid Movement was assassinated on August 2, 1984.

In Israeli-occupied South Lebanon politically motivated assassinations are also common. Anti-Israeli underground organizations have begun to eliminate persons accused of collaboration. For example, a group calling itself the Lebanese National Resistance claimed responsibility for the July 10 assassination of the Mayor of Sarafand and charged him with being an Israeli agent. On the other hand, supporters in Beirut of the underground groups in South Lebanon have frequently charged that Israeli intelligence agents have assassinated individuals opposed to the Israeli presence in the South.

Attacks on foreign diplomats stationed in Beirut assumed disturbing proportions in 1984. In addition to the September 20 car bomb attack on the U.S. Embassy which left two U.S. personnel dead, diplomats from several other embassies were killed or wounded. Other diplomats, including representatives of France, Egypt, and the United States, narrowly survived assassination attempts.

### b. Disappearance

During the past 10 years many residents of Lebanon have disappeared. Estimates vary but all sources agree that the number runs into the thousands. Most seem to have been kidnapped by the militias at roadblocks or captured during the major battles of the civil war. It is probable that most of the disappeared are dead--summarily executed shortly after their capture. According to the best estimates, the major militias active in the Beirut area have only slightly more than 100 persons in their custody. Two prominent members of the small Lebanese Jewish community also have been kidnapped. One was subsequently found dead; the other remains unaccounted for.

The issue of the missing has generated great public concern as relatives have agitated for an accounting of the fate of their kinsmen. The Government published in August a list of 764 names, which it claimed included everyone in government custody. On July 11 the Cabinet formed a committee to arrange an exchange of militia kidnappees and an accounting of the missing. The committee, however, has made little progress.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Government officials publicly state that they do not permit torture, but there have been reliable reports that both the Surete Generale (security police) and the Lebanese Army systematically use the threat of torture in the interrogation of suspects and security prisoners. In its report, Torture in the Eighties, Amnesty International noted that it had received allegations of "some cases of torture" in Lebanon.

There have been fewer complaints about the government security services in 1984. This may be attributable in part to an improvement in their behavior following the appointment of a new Surete chief and a new military prosecutor. In part, it must also be ascribed to the Government's loss of control of much of Beirut following the battles in February. As a result, the area in which the security services could operate freely was greatly reduced.

Prison conditions are generally adequate. Prisons in Beirut (less so outside the city) are sometimes overcrowded, but sanitation and diet are satisfactory. In principle, families are accorded visitation privileges, but this privilege has not always been granted.

Relatively little information is available on the treatment of prisoners held by the militias. Allegations of brutal treatment (usually made by bitter enemies) abound. However, in most instances the militias do not appear to abuse their prisoners. Summary execution has in the past posed the greatest danger for persons held by militias. In 1984 relatively few instances of such executions were reported.

There is little information on the treatment of prisoners detained by Syrian forces in north Lebanon. Few neutral observers, if any, have had access to Syrian detention facilities.

Palestinian guerrilla groups active on Lebanese territory also hold prisoners. Little is known about their treatment. However, in the summer of 1984 the International Committee of the Red Cross (ICRC) was at last permitted to visit all three Israeli prisoners held by the Popular Front for the Liberation of Palestine-General Command (PFLP-GC), who had been captured during the Israeli invasion of Lebanon in 1982. The prisoners were reported in good health.

Israel holds more than 1,000 prisoners in southern Lebanon, most of whom are being detained for alleged involvement in attacks on Israeli troops. At the end of September, 982 were held in the Israeli prison camp at Ansar, Lebanon. Others are detained in a number of smaller centers. Informed sources estimate that 80 percent of the population in these prisons is Lebanese with most of the remainder Palestinian.

Conditions in Ansar Camp are reported to be generally acceptable. Representatives of the ICRC have visited the camp regularly. However, much less is known about the situation in the smaller detention centers, where detainees are interrogated upon arrest before being either released or sent to Ansar. Lebanese sources have alleged that suspects are tortured in these centers. This has not been confirmed by neutral observers.

### d. Arbitrary Arrest, Detention, or Exile

Under Lebanese law, a suspect must be arraigned before an accusation committee (a panel of three judges) and the prosecutor within 48 hours, but prosecutors sometimes hold a suspect for interrogation indefinitely without reference to a judge. Every prisoner has the right to legal counsel, but there is no public defender's office. In most cases, bail is permitted. Even a decree law promulgated in 1983, which granted the Lebanese army special powers to maintain order in Beirut, required that a suspect be charged within five days and that the equivalent of a warrant be obtained prior to entering a private building. These provisions were sometimes ignored with persons suspected of having engaged in a military attack on government forces.

The Government does not exile political opponents, but non-Lebanese security prisoners, including Palestinians resident in Lebanon, have been summarily deported. Fear of assassination has driven several prominent Lebanese into voluntary exile.

No militia observes the legal safeguards which the Government is committed to apply in arrest cases. Instead, members of the various groups frequently detain individuals arbitrarily for indefinite periods. The detainees are frequently held as hostages to be exchanged for persons held by rival militias.

Some militias presume to enforce law and order in regions under their control, arresting and imprisoning individuals on purely criminal charges. The Progressive Socialist Party (PSP) and Tripoli-based Arab Democratic Party have executed individuals for criminal offenses.

In general, those arrested by the militias are denied access to the Lebanese judicial system and due legal process. The Lebanese Forces (LF) militia has handed over some of its detainees to the Government for investigation and trial. However, this militia is widely believed to be holding many more persons on criminal charges than it has turned over.

Israeli military authorities frequently seal off towns or villages in South Lebanon for periods of up to seven days while searching for perpetrators of guerrilla attacks against them. In the course of these "sieges" inhabitants are generally prevented from entering or leaving the village. On such occasions the Lebanese media have alleged that the Israelis have cut water, electricity, and communications lines leading into the village.

Israeli authorities have also expelled individuals considered troublesome from the area under their control. Such individuals are usually taken to the Israeli forward position on the road to Beirut and put in taxis headed for the capital.

Lebanese government authorities have been accused in the past of holding persons incommunicado for periods of several months. However, there were few complaints of such practices in 1984. The various militia groups frequently hold persons incommunicado for extended periods.

### e. Denial of Fair Public Trial

Lebanese law, practice, and custom provide the right to a fair public trial. However, there have been complaints that the Government has been dilatory in trying some of those arrested. The Government has responded by pointing to a shortage of judges and the difficulty of conducting investigations when much of the country remains beyond its control.

Although Lebanese police and courts are in place throughout the country, outside of government-controlled Beirut the disposition of a criminal case ultimately depends on the group in power locally. The militias frequently intervene to protect their supporters from prosecution. In the occupied areas Lebanese authorities reportedly find it difficult to arrest and prosecute those with good connections to the occupying powers, Syria and Israel.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government has generally evinced no interest in controlling personal life. The law requires the Government to obtain the equivalent of a warrant before entering homes, except when the Lebanese Army is pursuing an armed attacker.

Rights of privacy, however, have been frequently violated in the course of military operations mounted by the Government, militias, and foreign forces (Syrian, Israeli, and Palestinian). All of these groups have attempted to gather intelligence on their adversaries. To the extent of their ability, they have set up informer networks and monitored telephones.

Sanctity of the home has been violated by some militia groups which have deliberately shelled residential areas, destroying homes and injuring their occupants. It is a common practice for people fleeing fighting to take over the homes of others in order to find shelter.

In South Lebanon Israeli forces on occasion have demolished the homes of persons suspected of activities against the Israeli presence. On the night of May 15-16, Israeli forces entered a Palestinian refugee camp near Sidon and exploded a cache of explosives, damaging the homes of several camp residents and injuring three. According to the United Nations Relief and Works Agency (UNRWA), occupants of these shelters were not warned of the explosion in advance.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Lebanon has a long tradition of press and academic freedom. The Government has scrupulously protected the rights of those who have opposed it only by peaceful means, and no one has been imprisoned merely for expressing his views, however critical of the Government they may be. An effort made in September 1983 to establish some official censorship of the media was abandoned after the Government lost control of West Beirut, where many newspapers are published, in February 1984. Dozens of newspapers and magazines representing a broad spectrum of opinion are freely published in Beirut. (Even when the authorities attempted to censor the press, considerable criticism of the Government was allowed.) The Government has also tolerated the activities of several extralegal private radio stations, operated by widely diverse political groups.

Intimidation of journalists by militias and foreign intelligence services constitutes the most serious threat to press freedom. During the past year, the offices of the conservative newspaper L'Orient Le Jour were rocketed and the headquarters of the leading leftist daily As-Safir was bombed twice. The As-Safir publisher and editor-in-chief narrowly escaped death when a gunman shot him as he entered his apartment building.

Foreign journalists were subjected to similar treatment. A U.S. journalist was kidnapped in March 1984 and has not been released. In September a Western wire service correspondent escaped from kidnappers who had held him for weeks.

Intimidation of faculty by private groups threatens Lebanon's long tradition of academic freedom. In January the President of American University of Beirut (AUB) was assassinated by an unknown gunman.

The Israeli authorities have at times banned the entry of certain Beirut newspapers into southern Lebanon. As-Safir and the Communist daily An-Nida, for example, were barred for periods of several weeks in 1984. In September, Israel announced that foreign reporters based in Beirut would no longer be allowed entry into South Lebanon. Syria too keeps a tight rein on correspondents in the area of Lebanon under its control, restricting what they can report.

b. Freedom of Peaceful Assembly and Association

The Government places no restriction on the right of free assembly, as long as it does not incite popular unrest. Many groups in Beirut exercised their right to engage in peaceful public demonstrations during the past year.

The major constraint on this freedom comes from the militias and foreign forces. For example, this spring militia groups prevented a peace march organized by a West Beirut woman and involving demonstrators from both parts of the city. In areas under the exclusive control of one militia, demonstrations or open shows of support for rival militias or political groups are not permitted. Although the Syrians have not suppressed a militia opposed to them in Tripoli, they have not accepted groups hostile to them in other areas. In South Lebanon the Israelis have at times permitted peaceful public protests against their occupation. On other occasions they have dispersed demonstrators. Political groups opposed to their presence are not permitted to operate freely in south Lebanon. The trade union movement is protected by laws permitting the right to organize, strike, and bargain collectively. There are also provisions for mediation and arbitration. Except for about five percent of the work force, all workers belong to one of the 150 unions and 18 labor federations comprising the Confederation of Lebanese Trade Unions. In theory, unions should exercise considerable influence, but in reality workers and the unions are subject to pressure by militias and foreign forces. Strikes for higher wages were rare in 1984, and union leaders concentrated principally on preserving the jobs of union members.

### c. Freedom of Religion

Lebanese can practice their religion freely. The Government affirms the right of freedom of worship, and the militia groups and foreign forces have not sought to interfere with it.

The 1943 National Pact essentially allocated political power to Lebanon's religious groups, according to the proportion of their followers in the 1932 census. The formula stipulated that the President would be a Maronite Christian, the Prime Minister a Sunni Muslim, and the Speaker of Parliament a Shi'a Muslim. Seats in Parliament were to be divided on a six to five ratio of Christians to Muslims. Positions in the government bureaucracy were divided on a similar basis. Some religious groups thus enjoyed greater political power than others, and it was frequently charged that the politically powerful groups influenced government policies to the economic benefit of their coreligionists.

Efforts to alter or abolish entirely the system of allocating political power have been at the center of Lebanese politics for more than three decades. Those religious groups most favored by the 1943 formula have sought to preserve it, while others who feel disadvantaged by it have sought to revise it. This struggle has given a religious coloring to Lebanese politics and the continuing civil strife.

The intensification of religious hatreds has reinforced a trend away from confessional mixing. Since 1975 few Muslims have lived in Christian East Beirut. In the aftermath of the September 1983 fighting in the Shuf most Christians fled the area. To date only a handful have been permitted to return. Shi'ites in the predominantly Christian Jubayl district allegedly were harassed in 1984 in a deliberate effort to drive them from the area. Many Christians left predominantly Muslim West Beirut during the year, complaining of increasing efforts to enforce Islamic mores, including attacks by Muslim fundamentalists on bars and threats made against hotels and beach clubs which permitted mixed bathing. Lebanese today live more and more in neighborhoods and villages exclusively inhabited by one religious community. Many fear to travel to areas where other sects predominate.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Foreign travel of Lebanese citizens is unrestricted. Emigration and dual citizenship are permitted. There is no impediment to voluntary repatriation of those with valid identity papers.

Lebanon has historically been a land of asylum. During this century, it has given refuge to thousands of Armenians and Palestinians as well as smaller numbers from other Middle Eastern ethnic/religious groups. Lebanon's political and economic troubles in recent years have greatly diminished its appeal to refugees. Relatively few sought asylum there in 1984.

Lebanon's relationship with its Palestinian community has been difficult. Most Palestinians have not been able to obtain citizenship. Their involvement in the internal fighting from 1975 until the evacuation of Palestinian fighters from Beirut in the Israeli invasion of 1982 brought them the bitter enmity of many other groups. Many Palestinians have encountered difficulty in renewing residence permits and travel documents. The delay may stem partly from a tremendous backlog of work at the Surete Generale, but several Palestinians have had their documents renewed with the provision that they not be used to return to Lebanon.

Lebanese traditionally have enjoyed freedom of internal travel but this freedom has been greatly circumscribed by militia groups which have established checkpoints to keep those deemed undesirable out of areas under their control. Militias have also collected taxes from trucks carrying freight through their territory.

In 1984 Israel progressively tightened restrictions on travel into and out of territory occupied by its forces. In February the main coastal highway was closed. This, taken with the earlier closure of other roads, left a narrow secondary road as the only land access into South Lebanon from the rest of the country. Travel by sea from the port of Juniyah to the ports of Jiyah or Sidon was also permitted. However, Lebanese Muslims were generally afraid to use this service, as it was operated by the predominantly Christian LF militia.

In the spring Israel began requiring Lebanese seeking to travel in or out of South Lebanon to obtain a permit from its authorities. The Israeli Liaison Office in Dubayyah in the eastern suburbs of Beirut was the only place outside of South Lebanon where such permits could be obtained. When the Lebanese Government closed it in early summer, it became virtually impossible for Lebanese residing outside Israeli-occupied territories to obtain travel permits. In August the Israelis announced new controls at the Batir crossing point, which barred automobiles and trucks from entering South Lebanon. All Lebanese travelers have subsequently been forced to enter or exit Israeli-held territory on foot. Trucks from one area must off-load their cargo onto trucks from the other area.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Lebanon has the institutions of a parliamentary democracy.

## LEBANON

According to its Constitution, elections must be held for its 99-member Parliament every four years. Parliament elects the President every six years, and the President appoints a cabinet which must obtain the confidence of Parliament. Political parties may be formed. Women enjoy the same civil rights as men.

A decade of civil strife and foreign invasion has robbed these democratic institutions of much of their meaning. No parliamentary elections have been held since 1972. Although Parliament, the Presidency, and the Cabinet continue to function, their authority does not extend to those parts of the country under foreign occupation or militia control.

In the past decade the political process has been dominated by violence, as militia groups and foreign forces have resorted to force to gain their way. Leaders of the major factions met in Lausanne, Switzerland, in March 1984 and agreed on a program for national reconciliation. These leaders later agreed to join a Cabinet, which was able in early July to implement a security plan ending the daily skirmishing between militia groups along the line which separates East from West Beirut. It is still too early to tell whether this Cabinet will be able to implement the Lausanne program and restore a peaceful, democratic process.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Government has a mixed record in dealings with international human rights groups (indigenous groups have not pressed the Government strongly). In its 1984 report Amnesty International expressed concern about arbitrary arrests and detentions, including incommunicado detention, abductions, torture, and extrajudicial killings in regions of Lebanon under the effective control of the Government, the Israel Defense Forces, the Syrian army, and a number of Lebanese militias. Freedom House rates Lebanon "partly free."

### ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Lebanon's economy attained a high degree of prosperity in the 1950's and 1960's by acting as an entrepot and service center for the Middle East. During this period medical and educational facilities attained a level unmatched in the Arab countries of the Middle East. Wealth tended to center in Beirut and, according to some, was concentrated among members of the more powerful religious communities.

Continuing civil strife destroyed the basis of Lebanon's prosperity. Beirut's port and airport were closed frequently; tourism virtually dried up. Many multinational firms moved their regional offices from Beirut to other capitals. Remittances from Lebanese working abroad dropped off sharply. Industrial production fell 70 percent below the level of 1975. Many banks are faced with large outstanding loans which they cannot collect. Standards of education and health care have declined. The economy of South Lebanon was harmed seriously by the increasing Israeli restrictions on access to the area. Enforced reliance upon a single road created a serious bottleneck, preventing export of the South's agricultural produce.

## LEBANON

Unemployment appears to be rising rapidly, although no accurate statistics exist. The Lebanese Industrialists Association has estimated that 80 percent of the factories and workshops still operating have dismissed more than half of their employees. Underemployment is also a serious problem. Many employers have reacted to the slump by putting their employees on short time.

The Government faces great difficulty in dealing with the economic and social problems caused by the civil war. The loss of control of much of the country to militias and foreign armies has drastically reduced its ability to collect direct taxes. The prolonged closure of Beirut's port and airport in 1984 greatly diminished customs revenues and spurred the militias to open small ports where they, not the Government, collected "taxes" on imported goods. As these fees are set deliberately at rates below those of government duties, shippers continued to use the militia-run ports even though Beirut's port reopened, causing government customs revenues to remain low. On October 22, however, the Government ordered all illegal ports closed. Initial reports indicated that these orders were being implemented.

Despite its financial problems, the Government has tried to provide some help to the populace. Prices of some basic commodities are subsidized. Also, the Council for Development and Reconstruction, a government agency, has attempted to fund reconstruction projects. However, there have been charges that the Government has disbursed assistance in a biased fashion. The inhabitants of South Lebanon, the far north, and the Biqa Valley have claimed that they have been ignored. Residents of the predominantly Palestinian and Lebanese Shi'a southern suburbs of Beirut complain that the Government has been dilatory in providing basic services such as water, electricity, and telephones to their area and, instead, has concentrated on predominantly Christian areas in East Beirut and the northern suburbs of the capital. The Government has responded to such charges by explaining that it can spend money most easily in areas under its control.

The population is 2,601,000 and is growing at an annual rate of 0.7 percent. Life expectancy at birth is 66 and the infant mortality rate is 43 deaths per 1,000 live births. The adult literacy rate is about 68 percent.

Women enjoy equality of civil rights and attend institutions of higher learning in large numbers (e.g., women make up 41 percent of the enrollment in American University of Beirut). Religion and custom still limit women, however. The prevailing atmosphere of insecurity and economic hardship makes it difficult for women to expand their participation in society. The women's organizations which do exist are for the most part subordinate arms of one or another of the political parties and work to advance the interests of the parent party rather than of women in general. Moreover, the continuing turbulence has spawned Islamic religious movements which advocate confining women to traditional roles and "modest dress" (e.g., chadors and veils).

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: LEBANON

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL | 11.2 | 52.2 | 28.4 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 11.2 | 52.2 | 28.4 |
| A.AID | 9.0 | 52.2 | 28.1 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 9.0 | 52.2 | 28.1 |
| (SEC.SUPP.ASSIST.) | 6.0 | 9.6 | 27.8 |
| B.FOOD FOR PEACE | 2.2 | 0.0 | 0.3 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 2.2 | 0.0 | 0.3 |
| TITLE I-TOTAL | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL | 2.2 | 0.0 | 0.3 |
| E.RELIEF.EC.DEV & WFP. | 1.8 | 0.0 | 0.3 |
| VOL.RELIEF AGENCY | 0.4 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST | 0.0 | 0.0 | 0.0 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 0.0 | 0.0 | 0.0 |
| PEACE CORPS | 0.0 | 0.0 | 0.0 |
| NARCOTICS | 0.0 | 0.0 | 0.0 |
| OTHER | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL | 10.6 | 101.7 | 15.6 |
| LOANS | 10.0 | 100.0 | 15.0 |
| GRANTS | 0.6 | 1.7 | 0.6 |
| A.MAP GRANTS | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING | 10.0 | 100.0 | 15.0 |
| C.INTL MIL.ED.TRNG | 0.6 | 1.7 | 0.6 |
| D.TRAN-EXCESS STOCK | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL | 21.8 | 153.9 | 44.0 |
| LOANS | 10.0 | 100.0 | 15.0 |
| GRANTS | 11.8 | 53.9 | 29.0 |
| OTHER US LOANS | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS | 0.0 | 0.0 | 0.0 |
| ALL OTHER | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL | 12.0 | 0.6 | 5.0 | 258.4 |
| IBRD | 0.0 | 0.0 | 0.0 | 166.6 |
| IFC | 0.0 | 0.0 | 0.0 | 9.3 |
| IDA | 0.0 | 0.0 | 0.0 | 0.0 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 0.0 | 0.6 | 0.0 | 34.5 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 8.0 |
| EEC | 12.0 | 0.0 | 5.0 | 40.0 |

## LIBYA*

The Socialist People's Libyan Arab Jamahiriya describes its form of government as "popular democracy." While in theory political power is vested in the General People's Congress, in practice the country is under the control of a military dictator, Colonel Mu'ammar al-Qadhafi. The governing principles of the society are expressed in Qadhafi's "Green Book," rather than in the Constitution. Qadhafi has created a political system that borrows from Islamic and Socialist doctrine and is heavily influenced by his own revolutionary philosophy. It ostensibly emphasizes full participation of the people, through a system of "people's committees," in decisions which affect daily life. The committees have some influence on local government, social institutions, and local enterprise, including farming and manufacturing. Despite this local level participation, Qadhafi, though holding no formal government position, is the only decisionmaker on all important issues and the influence of popular views on him appears minimal. At the same time, however, revolutionary committees acting on the basis of Qadhafi's speeches have ordered assassinations and other operations which must be regarded as government activities.

Libya has benefited from the high oil prices of recent years and has used its increased revenue to finance internal development (new schools, hospitals, roads) and to acquire large quantities of weapons. Qadhafi has used these weapons and Libya's oil wealth for aggression against Libya's neighbors and for terrorism and subversion in many parts of the world.

Libyan oil revenues declined considerably in 1981 (to about $15 billion), and somewhat further (to $13 billion) in 1982. Oil revenues remained at this level in 1983 but appear to be declining again in 1984. Significant parts of the 1981-1985 development plan continue to be postponed because of related financial problems, but weapons purchases and efforts to destabilize moderate neighbors have not declined appreciably. Qadhafi has admitted that financial problems have made it difficult for him to finance "liberation movements," and from time to time funds for a few extremist groups have been stopped or reduced. But whatever financial constraint Libya may be experiencing has not been enough to halt its invasion of Chad or acts of terrorism and subversion.

Libyan forces invaded and occupied portions of northern Chad beginning in June 1983. Libyan aircraft conducted extensive bombings including the use of napalm and cluster bombs against the northern town of Faya Largeau. This was followed by the use of Libyan armored columns to occupy several key locations in northern Chad. Despite an agreement with France to withdraw both countries' soldiers from Chad by November 9, 1984, Libyan soldiers and equipment remain in Chad. In addition to the death and suffering caused by Libya's actions, there is considerable evidence that Libya impressed citizens of other nations against their will into service with the Libyan Army or with Libya's "Islamic Legion."

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*After the attack on the U.S. Embassy in Tripoli on December 2, 1979, Embassy operations were suspended. On May 2, 1980 the Embassy was closed. Because of the absence of a U.S. Mission, this report draws heavily on unofficial sources.

## LIBYA

In April, members of the "Libyan People's Bureau," or embassy, in London fired on a crowd of demonstrators from within the embassy, killing a British policewoman. This incident followed a series of bombings in London attributed to Libyan terrorists, and resulted in the severing of diplomatic relations between Britain and Libya.

Libya's human rights record has been poor since Qadhafi seized power in 1969. Reports of torture and abuse have increased, notably in the aftermath of a coup attempt on May 8, which resulted in a purge unprecedented in its breadth and brutality. The purge included public hangings and summary executions and generated reports that thousands of Libyans had been arrested and many tortured.

On March 10, 1983, Amnesty International warned that Libyans abroad were under threat following a February 17 decision by the General People's Congress that all Libyans considered "hostile" would be liquidated. In early 1984, the Government directed resumption of assassinations of Libyan exiles and in May it announced formation of "suicide squads" to hunt down and kill Libyan dissidents abroad. There have since been assassinations of Libyans in Greece, England, Italy, Germany, and Spain. Qadhafi subsequently called on pilgrims to the Islamic holy places to attack their fellow Libyans who opposed the "revolution." In November there was a much publicized claim by the government radio that Libyan agents had assassinated former Libyan Prime Minister Abdel Hamid al-Bakoush in Cairo, but the Egyptian Government revealed that it had intercepted the assassination team, prevented the killing, and duped Qadhafi into believing Bakoush had been killed. When Libya claimed credit for the death, Bakoush was presented alive and well to the press.

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

Reports of summary executions were common in 1984, in addition to continued reports of deaths by torture and hangings. On June 13, Amnesty International expressed alarm at the summary public hanging of seven prisoners by local "people's" bodies in support of Qadhafi's call for the liquidation of "stray dogs and traitors." Amnesty International said that these seven persons had been arbitrarily arrested and hanged publicly without trial, two within an hour of their arrest, on suspicion of opposition to the regime. Amnesty International called on the Government to renounce its official policy of "physical liquidation" of its enemies.

The assassination campaign against Libyan exiles, a form of domestic persecution practiced abroad, followed an April 1980 address in which Qadhafi issued an ultimatum to his enemies abroad to return to Libya or be killed. Although the campaign was not openly resumed in 1982, Qadhafi made two speeches in early October of that year in which he threatened to renew the killings. Qadhafi was reportedly advised to defer implementation of his threats, but during 1984 the campaign was openly renewed. In 1982, some exiled dissidents received threatening communications from Libyan officials including, in some cases, letters from the General Revolutionary Committee in Tripoli revoking their citizenship and vowing to "liquidate them physically." There are reports that pro-Qadhafi groups have met in Europe periodically to select assassination targets. These threats have been taken seriously among Libyan exiles. The constant fear of assassination as a result of this threat in itself constitutes a form of terrorism. In 1984, Qadhafi ordered all Libyan students studying abroad to return to Libya for a political meeting. Several of those who did were interrogated and tortured, and some were among the Libyans hanged or shot by local committees, including student committees, in the purge which followed the May 8 coup attempt.

On May 8, there was an attempted coup by the National Front for the Salvation of Libya, an exile opposition group. There were unconfirmed reports of fighting at Qadhafi's barracks, and a government attack on dissidents in an apartment house in downtown Tripoli. When the shooting stopped, the Government claimed there had been no attack on Qadhafi's barracks but showed films of at least 15 dissidents who had been killed. A nationwide crackdown followed, resulting in the arrest of thousands of Libyans. Many were condemned to death and executed in gruesome public spectacles.

### b. Disappearance

There continue to be reports that Libyan businessmen, former government officials, religious oppositionists, and political activists have been taken into government custody with no further information available as to their condition or whereabouts or the charges against them. Amnesty International has stated that detainees apparently have been held incommunicado for unlimited periods in centers operated by the intelligence services. The number of such reports increased dramatically following the arrest of up to 5,000 Libyans in the mop-up operation after the May 8 coup attempt. Press reports indicate that the total number of executions following this incident may have exceeded 100.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

During 1984, reports of torture and mistreatment of prisoners increased. Detainees in criminal and security cases reportedly are regularly beaten during interrogation. In some prisons, conditions reportedly are tolerable but, according to information received by Amnesty International, conditions of detention for political prisoners have worsened, including transfer to overcrowded cells and confiscation of reading and writing materials. There have been many reports of hangings and torture following the May 8 incident. Some of those arrested have been shown making confessions on Libyan television, their faces and hands bearing what appeared to be marks of torture.

In its report Torture in the Eighties, Amnesty International noted that reports of torture and ill-treatment in Libya were rarely received until after the 1980 official call for the "physical liquidation of enemies of the 1969 revolution living abroad and of counter-revolutionary elements within Libya," and that afterward, in the wake of the reported arrest of hundreds of people, it began to receive first-hand testimony about torture and ill-treatment, inflicted mainly to obtain confessions and information. It noted that some had reportedly died under torture. The methods of torture most commonly reported include electric shocks and beatings on the soles of the feet.

Amnesty International has also expressed concern about the large number of offenses, including political offenses, which are punishable by death under Libyan law. For example, membership in an illegal organization is a capital offense.

### d. Arbitrary Arrest, Detention, or Exile

Under Libyan law, detainees may be held incommunicado for unlimited periods. Many allegedly are held without charge or trial, apparently as an example to would-be opponents of the Qadhafi regime. Some are said to have been released quickly; others reportedly were beaten.

Libya declared several years ago that there were then "no political detainees on any charge in its prisons." Reports from a variety of sources, however, assert that the prisons contain increased numbers of persons convicted of, or held for, political offenses, including several thousand persons arrested in 1984. Qadhafi has personally justified imprisonment on political, as opposed to criminal, charges. In a 1981 speech he stated, "Those who are put into prisons are there because they are the enemies of the people and they fight for restoring the government above the people. There is no shame and there is nothing wrong in putting these persons in prison or in treading on them with your feet." During 1984 up to 5,000 persons were reportedly arrested, hundreds of whom are believed to have been killed.

In April 1983, the authorities detained eight West German nationals who ultimately were released in May in exchange for two Libyan nationals who had been imprisoned in Bonn for torturing fellow Libyans at the Libyan People's Bureau there in 1982. In October 1983, Libya refused to permit the exit of any French nationals for several days, apparently because a Libyan accused of murder in Italy was being held by the French. These incidents demonstrate that foreigners in Libya are also subject to arbitrary arrest and detention.

### e. Denial of Fair Public Trial

The normal court structure in Libya has been bypassed to a significant extent by the "people's courts," which conducted "show trials" and executions in 1984. The parallel legal system provides fewer safeguards, and trials are frequently held in camera or in absentia. Over the years, the authorities have put considerable pressure on the legal profession. For example, a book by exile attorney 'Imran Muhammad Buruways claims Qadhafi in 1977 personally threatened to execute the director and board of the Libyan Lawyers' Union if it did not issue a certain statement. The pressure culminated in a 1981 law prohibiting the private practice of law and making all attorneys employees of the Secretariat of Justice. The Union of Arab Lawyers, located in France, has expressed concern for the ability and freedom of attorneys simultaneously to provide legal defense for political prisoners and to serve as government employees. There is thus some question about the claim by Libyan authorities that they "guarantee prisoners all necessary means of defense and safeguards of justice adequate to the principles contained in the Declaration of Human Rights." They also claim that the accused may contact their lawyers and families "as soon as possible with respect to the exigencies of interrogation," but there are numerous reports to the contrary.

In routine civil or criminal cases, these claims may reflect accurately the prevailing situation. However, in security cases, there are many reports of prisoners being held incommunicado and without trial for long periods. While undergoing interrogation, sometimes for periods of several months, they are given no access to legal representation. Alleged political offenses seem increasingly to be tried before ad hoc "revolutionary courts" rather than through the normal judiciary procedure, with the opportunities for defense severely restricted.

Amnesty International reported that 25 former members of the pro-Iraqi Ba'ath party were arrested in February 1983 and tried as members of an illegal organization. They reportedly were acquitted at their trial, but were subsequently held in detention by administrative decree. In July they were reportedly tried again by a revolutionary court. Three were sentenced to death, and two received eight-year prison sentences. The remaining 20 reportedly were acquitted and are believed to have been released.

There is no precise estimate of the number of political prisoners in Libya. As a result of the events in 1984, the number may be several thousand.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government recognizes no right to privacy which would hinder its ability to carry out its policies, and fear of the security apparatus severely restricts individual expression. The legal requirement that judicial warrants must first be obtained before entering a private home reportedly is often disregarded. Local and international telephone calls are routinely monitored. Qadhafi relies heavily for his personal security on a network of secret police, informers, and bodyguards. The informer network extends to the revolutionary committees and other local organizations and does not respect individual privacy.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Freedom of speech is severely limited, particularly with regard to any criticism of the Government or Qadhafi. Some difference of opinion is tolerated in people's committee meetings and the General People's Congress. In general, however, most Libyans are circumspect about voicing dissident views about the regime's policies. Freedom of speech and other basic civil and political freedoms are further restricted during periods of internal security crises. Libyan media are owned and controlled by the Government. JANA, the official news agency, is the designated conduit for politically acceptable opinions. It is impossible to publish opinions contrary to Qadhafi's current policies. There is an underlying climate of fear and mistrust at all levels of society which severely restricts freedom of speech. Although dissent is not tolerated within Libya, a number of opposition groups in exile are increasingly active in their criticism of Qadhafi's regime and human rights violations and in efforts to overthrow his regime. The National Front for the Salvation of Libya claimed responsibility for the aborted coup attempt on May 8.

### b. Freedom of Peaceful Assembly and Association

The right of association is granted only to those institutions affiliated with the regime apparatus. Attempts at public assembly are repressed if they are not government-controlled and supportive of regime positions. Organizations such as trade unions and professional associations are viewed as threats by Qadhafi, who has vowed not to "accept intermediaries between the revolution and its working forces." Unions are organized under government control and are administered through the popular committee system. Collective bargaining does not occur. There have been no reports of strikes for years--presumably they are not permitted. An exiled opposition group in June 1983 appealed to the International Labor Organization to investigate "the oppressive record of the Qadhafi regime with regard to its treatment of workers and laborers and employees in Libya, with particular emphasis on violations of human rights agreements and conventions governing labor and labor unions." This group also charged that Libya has forced foreign workers and employees into military training with the intention of coercing them into military and subversive activities against their own countries. Reports from other sources support this claim, including the case of individuals sent by Libya to fight in Chad.

### c. Freedom of Religion

Libya is overwhelmingly Muslim. Services are permitted in some Christian churches. There is a resident Catholic bishop, and the small number of priests and nuns are reportedly permitted to wear their habits. The regime has banned the once-powerful Sanusiyya Islamic religious organization as part of Qadhafi's efforts to eliminate rival power bases. Restrictions were placed on the operation of the organization's Zawaayaa (lodges), a government supervisor was appointed for Sanusi properties, and the Sanusi-sponsored Islamic University was merged with the University of Libya. Nearly all of the formerly large Jewish community has emigrated. No information is available on the status of any Jews who may remain; however, virulently anti-Jewish broadcasts on Libyan radio contributed to anti-Jewish violence in 1982 in portions of Tunisia within broadcasting range.

It is not known what became of 15 persons reportedly arrested in a Tripoli mosque in late 1980. Amnesty International reported that it received information that five of these persons, including a mosque official, may have been executed in 1981. Amnesty International's requests to the Libyan Justice Secretary for information on this and other cases have gone unanswered.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

With the exception of security areas, internal freedom of movement is not usually restricted for Libyan citizens. An exit permit is required for travel abroad. Military conscription regulations have led to some restrictions on the issuance of exit permits to potential inductees. As of the summer of 1983 when Libya invaded Chad, persons of draft age who had not yet served or had not obtained exemptions were not allowed to leave. In many instances approval for travel for such persons is subject to the whims of officials. It is reportedly increasingly difficult for Libyans suspected of inadequate revolutionary attitudes to travel abroad. During 1982 the authorities reportedly withdrew the passports of some persons suspected of intending to have contacts with Libyan exiles.

Information concerning current Libyan policy with regard to emigration or voluntary repatriation is unavailable. Under Libyan Islamic law, wives may not leave the country without husbands' permission; children may not travel without their father's consent. Restrictions limit the amount of currency which can be taken out of the country to about $1,000 (300 dinars) per year regardless of the number of trips. There are no restrictions on the amount of currency brought in.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Major government decisions are controlled by Qadhafi or by committees acting in his name. He makes all appointments of military officers and official functionaries down to a low level. Power flows through a small circle of trusted associates, whose own authority is a reflection of their proximity to Qadhafi. Corruption has assumed major proportions, with adverse effects for local government.

Officially, Libya describes itself as the world's only Jamahiriya, or "Republic of the Masses." Major changes in the organization of the Libyan state occurred in 1977 designed to provide the "Jamahiriya." Qadhafi sought to replace subnational leaders, chosen on traditional and cultural bases, with leaders selected by and presumably loyal to Qadhafi. The changes centered on the establishment of the General People's Committee and a series of subordinate popular committees. Although political parties have been outlawed, many people have some involvement in the system through the local committees. Efforts have been made to recruit women and members of the Berber minority in this local political structure.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

In its 1984 report, Amnesty International expressed concern about the continued detention and imprisonment of prisoners of conscience; the continued detention of political prisoners, including prisoners of conscience, who continued to be held after having been acquitted of charges against them or having completed their sentences; the prolonged detention without charge of political suspects; repeated allegations of torture; and judicial executions for allegedly political crimes. Freedom House classifies Libya as "not free." Libya is currently serving a second term on the U.N. Human Rights Commission.

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Libya's substantial oil wealth has allowed the regime to improve living standards significantly, especially for the lower class, despite rampant corruption and the curtailment of freedom. Per capita gross domestic product rose from $5,560 in 1971 to $11,700 in 1980 before slipping to $8,476 last year.

## LIBYA

Libya has abided by the cut in its OPEC quota from 1.1 million barrels per day to 900,000 made by the OPEC conference in October. The current budget marked a modest surplus last year. Budget expenditures for the past two years have been scaled back and many projects under the 1981-85 plan have been delayed. These measures have reduced the abundance and variety of consumer goods, and chronic shortages have been reported. More critical than revenue cuts is the drawdown in liquid assets.

Investment in health facilities and a marked growth in female literacy over the past decade have contributed to an increase in life expectancy at birth from 52 years in 1971 to 58 in 1984. However, the infant mortality rate was 84 per 1,000 live births in 1984, an increase from the rate of 53 per 1,000 in 1971. Population, estimated at 3,749,000, is increasing at about 6.5 percent a year. Between 1971 and 1979 the percentage of the population with access to safe water increased from 58 to 100, and the percentage of calorie supply available for consumption relative to nutritional requirements increased from 105 to 122. Salt water encroachment into littoral aquifiers, however, is contaminating fresh water supplies in some urban centers, forcing the Government to undertake massive water relocation projects.

Qadhafi's efforts to provide women with military and university training and change their status in the society have met with mixed success and have created some tension among various groups in the society.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
### (U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: LIBYA

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.AID ................. | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.0 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 0.0 | 0.5 | 0.0 | 26.5 |
| IBRD | 0.0 | 0.0 | 0.0 | 0.0 |
| IFC | 0.0 | 0.0 | 0.0 | 0.0 |
| IDA | 0.0 | 0.0 | 0.0 | 0.0 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 0.0 | 0.5 | 0.0 | 24.2 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 2.3 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## MALDIVES

The Republic of Maldives consists of about 1,200 small islands, of which only 200 are inhabited, scattered over an area 500 by 75 miles in the Indian Ocean. Just under a quarter of the 173,000 Maldivians live on Male, the capital island, which is 400 miles west-southwest of Sri Lanka. Maldivians ethnically are similar to the peoples of Sri Lanka, but their culture has been influenced by centuries of contact with the Arab world and by their strong adherence to Islam.

The Maldivian Government is highly centralized, with authority concentrated in Male in the hands of a strong president and a small educated elite. The President is assisted by a cabinet of ministers, whom he appoints, and a unicameral legislature, the Majlis, elected by universal adult franchise. This system reflects the authoritarian tradition of the Maldives, ruled almost continuously from the advent of Islam in the 12th century until 1968 by hereditary sultans, even while a British protectorate from 1887 to 1965.

The Maldives has experimented with several forms of government since the 1930's, including an elected sultanate and a short-lived republic. The second republic was created by the present Constitution, which came into force in 1968. It guarantees basic human rights but does not define clearly the separation of powers among the president, Majlis, and judiciary. In 1979 the Majlis passed a motion seeking a new constitution. President Maumoon Abdul Gayoom suggested the model for a new, more liberal constitution in July 1981, and a draft was submitted for review by a 90-member Citizens Special Majlis. This body failed to complete the review by the first target date, December 22, 1982. Debate continues, but no new target date has been set.

The Maldives' 1,000-strong National Security Service is responsible for maintaining law and order, protecting the president, defending the country, and preventing foreign fishermen from encroaching on Maldivian fishing grounds. The police division of the Service investigates crimes, makes arrests, and enforces house arrest. People held before trial are either under house arrest, under the jurisdiction of the Civil Prisons Department, or at an island detention center near Male.

The human rights picture in the Maldives did not change in 1984. The Maldivian Government respects individual human rights, and Maldivians in general do not regard their government as repressive. The Government has allowed the gradual development of a democratic political ethic, but habits of active political participation among Maldivians are only rudimentary at present. To be Maldivian is to be Muslim. Individuals are free to pursue private interests as long as they do not violate the civil law or the Shari'a, the Islamic legal code. A conscious effort is being made to broaden opportunities for women.

Maldives is one of the world's least developed countries. The Government is trying to develop and modernize the economy. It has encouraged improvements in the main industry, fishing, and has supported the rapid growth of the tourist industry, often joining with private individuals or foreign investors to build tourist resorts.

# MALDIVES

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

### a. Political Killing

There were no reports of political killings in 1984.

### b. Disappearance

In 1984, there were no reports that individuals had disappeared.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution stipulates that "under no condition shall a torture considered to be injurious be inflicted upon any person." The Government neither condones nor practices torture, and there have been no reports or allegations of torture in 1984.

Maldivians follow Shari'a (Islamic) law, and occasionally violators are flogged. Usually, punishment is confined to less physical means: fines, payment of compensation, house arrest, imprisonment, or banishment to a sparsely populated island where the prisoner must earn his daily keep. Although there are no prisons as such in the Maldives, there are two "detention centers" for imprisonment after trial of people who are deemed a danger to the state or to need protection. There have been no reports of unacceptable conditions in these centers. One form of punishment for convicted criminals is banishment to remote islands. Those banished are required to perform some work to support themselves, and normally are prevented from leaving until the end of their periods of banishment.

### d. Arbitrary Arrest, Detention, or Exile

There have been no reports of persons being subjected to arbitrary arrest, detention, or exile. A person charged with arousing people against the lawful government could be banished for a number of years. No such cases are known to have occurred in 1984.

The Constitution requires that "no person shall be apprehended or arrested, except on a verdict specified by Shari'a or (civil) law." Acting on information or complaints received, the Attorney General's office passes the case to the appropriate court and the judge then instructs the police to undertake an investigation. The suspect is questioned at police headquarters and may, depending upon the charges, be detained or placed under house arrest for 15 days while the case is investigated. If the case is not brought to trial within 15 days, the suspect is freed. Detention or house arrest may be extended after the first 15 days by authority of the President, but usually for not more than one month. There is no provision under Maldivian law for preventive detention, and incommunicado detention is not practiced.

While there are no provisions for bail, an arrested person who has valid reasons to travel may receive permission to do so from the court handling his case.

## MALDIVES

### e. Denial of Fair Public Trial

A person accused of crime is given a trial. During a trial the accused may defend himself and call witnesses. He also may be assisted by a lawyer, but there are few lawyers and lawyers are not provided by the courts. The accused is sentenced by the judge, with the length and type of sentence as established by law and custom.

The Republic of Maldives has a High Court and eight lesser courts in the capital at Male, each dealing with specific types of cases (e.g., debt, theft, property claims). On other islands there are courts that deal with all types of cases. Judges are trained in Islamic law, are appointed by the President and serve at his pleasure, and thus cannot be considered fully independent. Cases in island courts that present knotty legal points are referred to the appropriate specialized court at Male, whose judge may in turn refer the legal point to four judges attached to the Ministry of Justice for assistance. The High Court acts as a court of appeal and handles political cases, such as the trials of the participants in the 1980 attempted coup d'etat and of four Majlis members found guilty of bribery in 1983.

There are only a few Maldivians serving sentences for crimes which can be considered political acts: six persons found guilty of involvement in the 1980 coup still are banished to outer islands, and the four Majlis members found guilty of unconstitutional activity and taking bribes began their 11 years of banishment in August 1983. A number of people sentenced for unconstitutional activities were either pardoned or had their sentences commuted by President Gayoom when he was inaugurated to his second term on November 10, 1983.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits the opening, intercepting, reading, or making public of letters, telephone conversations, telegrams, and wireless messages exchanged between persons "except in accordance with the specific provisions of the law." There have been no reports of complaints in 1984 that the Government monitors correspondence or telephone conversations or uses a system of informers. The Government does not interfere with the right to marry, or seek forcibly to resettle population.

The Constitution also requires that private premises and dwellings be respected and "therefore they shall not be entered into except under conditions and in a manner stipulated in the law." There have been no reports of practices to the contrary. However, the Government announced in April 1984 that it had confiscated some property belonging to former President Ibrahim Nasir, who is now living in Singapore, but had paid him monetary compensation.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The Constitution guarantees freedom of speech and expression "so long as the specific provisions of Shari'a and the law are not contravened." Given their long tradition of authoritarian rule, Maldivians are careful when expressing their opinions to foreigners or in the media, but may be frank in private when discussing and criticizing the Government. Any citizen may criticize or complain to the Government without fear if he does so through recognized channels, such as via letters or oral complaints to the President, to a Majlis member, or to a civil servant or other person in authority.

There are three privately owned newspapers, all required to register with the Government. Before 1983 there were no newspapers owned by the Government, which did not want to create an official press. In January 1983, however, it began issuing a newssheet for posting on walls on all islands where atoll offices are located, and in July expanded the program to cover all inhabited islands. In February 1984, the Government opened the media center in Male through which it hopes to convey to the public what it is doing to develop the country. There are no prohibitions on the importation of foreign publications, except pornography, and foreign broadcasts are not jammed.

Although there is no prior censorship of newspapers, writers and editors are subject to prosecution if articles contravene laws, such as the one which prohibits arousing opposition to the legally established Government. In the past, writers and editors have been questioned about articles, fined, and put under house arrest, but there were no reports of such incidents in 1984.

The Government does not restrict academic freedom. Maldivians are free to acquire and impart knowledge "in a manner that does not contravene Shari'a or civil law." In July 1984, the Majlis passed a bill making students enrolled in government-run or government-assisted schools liable for government service for varying periods, depending upon their educational attainments. The bill was deemed necessary because of the drop in the number of young Maldivians entering government service.

### b. Freedom of Peaceful Assembly and Association

The Constitution assures freedom of assembly and association, but Maldivians make little use of these freedoms in a political sense. The majority of rallies and meetings seem to be those sponsored or approved by the Government and commonly are addressed by officials or religious leaders. Clubs and other private associations, of which there are many, are permitted to function if they do not contravene Shari'a and civil law, and if they register with the Government.

There are no trade unions and no reports of workers in the Maldives attempting to form unions in 1984. There is no prohibition of trade unions, though Maldivians are forbidden to be members of the trade unions of other countries. Until the 1970's, most Maldivians either were self-employed or held government jobs.

### c. Freedom of Religion

The Constitution makes Islam the official religion and all citizens are Muslims. There are no churches or shrines for the practice of other religions. Missionaries of non-Muslim faiths have not gone to the Maldives. Conversion of Muslims to any other faith would be a violation of the Shari'a. However, there have been no reports of complaints about this restriction, or of Maldivians barred from any of the rights of citizenship because of a desire to profess a different faith.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Maldivians are free to move about the country unless they are under house arrest or detention or banished. However, the Government discourages Maldivians from changing islands of residence, primarily because most recent migrants have moved to Male which is becoming severely overcrowded. The Government reimposed regulations in 1982 that limit immigration to the capital island and its surrounding atoll, permitting migration to Male only for short periods in order to work, be educated, or receive medical treatment. At the same time, the Government has made a major effort to improve social and educational services and develop industry outside of Male.

Maldivians are free to change jobs. There are no restrictions on foreign travel or on emigration, and there are no exit visas. The Government requires any Maldivian who has acquired another nationality to maintain Maldivian nationality concurrently. Such a person must enter and leave the Maldives on a Maldivian passport. As far as is known, the Government never has revoked the citizenship of any Maldivian. There are no refugees or displaced persons and, so far as is known, no Maldivians have been exiled or are refugees or displaced persons elsewhere.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

There are no political parties in the Maldives, though parties are not forbidden by law. President Gayoom said in a speech in July 1983 that political parties come into existence to protect, maintain, or obtain rights for certain ethnic groups or sects. As there are no religious or linguistic conflicts in the Maldives, he claimed, no one is deprived of his or her rights. Gayoom said that forming political parties would only be a cheap imitation of the West and inappropriate to the homogenous nature of Maldivian society.

All individuals aged 21 or over may participate in the political process, and any qualified citizen may stand for election to the Majlis. Citizens choose their Majlis representatives by secret ballot. Of 48 members, 40 are elected (2 from each atoll and 2 from Male) and 8 are appointed by the President. The term of office for the Majlis is five years. There were 162 candidates for the 40 seats contested in the December 7 Majlis elections.

The Majlis chooses by secret ballot, from as many candidates as are proposed by members of the Majlis, a single nominee for president. The nomination then is confirmed or rejected in a nationwide referendum, also by secret ballot. In 1983, the Majlis voted 47 to 1 to nominate Gayoom to a second, five-year term. Maldivians confirmed this nomination by giving Gayoom 95.62 percent of their votes. At the time of this nomination and referendum, President Gayoom was long established in office and there was no serious competitor for the position. It is fair to assume that his leadership is widely accepted by the electorate. Some irregularities apparently occurred, however, during the referendum that confirmed his nomination, especially on outer atolls where island chiefs cast the ballots of all electors on their islands.

There being no political parties, factions in the Majlis tend to coalesce around individuals or points of view and vary according to the issue. Any member may introduce legislation which, if it is seconded, must be considered by the Majlis. All laws must be approved by the Majlis or by a Citizens Special Majlis, such as the body which is reviewing the new constitution. The Majlis has the power to question ministers and to call for their removal. In practice, the Majlis generally supports the Government after carefully discussing and amending its proposals.

Government control in this small, homogenous society is exercised by a limited group of individuals with a common background and outlook whose authority generally and traditionally is accepted by the population. Most of the ruling elite are from the capital, Male, and are relatively well educated.

Habits of political participation and the organization of interest groups to pursue goals through the political process are not well developed. The Government has allowed the gradual development of democratic structures in the society, but these still are rudimentary.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

There were no requests for outside investigation of human rights violations in 1984. There are no local human rights organizations. Amnesty International did not include the Maldives in its 1984 annual report. Freedom House rates the Maldives "partly free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The dominant factor in economic and social life is the comparative isolation of Maldivians from the outside world and of the islands from each other.

Maldives continues to be one of the world's least developed countries, with a per capita gross national product of $385 in 1983. Calorie supply in 1977 was only 80 percent of requirements. Most Maldivians still work in traditional occupations: fishing, the largest industry involving about 46 percent of the population; harvesting coconuts for copra and making rope; and some subsistence farming. The tourist and textile industries are providing much-needed new occupations.

The Government is improving the standard of living, partly by working to increase production of traditional products such as fish and coconuts. It also is trying to tempt the inhabitants of Male to return to their native islands or atolls with prospects of employment and better social services there. Programs are under way to replace coconut trees with better strains, make better use of the limited arable land (only 10 percent of total land), and to introduce vegetables in family gardens. There are efforts to increase the annual catch of fish through improved technology.

The Government also has encouraged rapid expansion of the tourist industry. Until several years ago, the Government permitted development of tourist resorts only on islands not inhabited by Maldivians and around Male, where most educated, traveled, sophisticated Maldivians live, in part to lessen the impact of tourism on the conservative society of the Maldives. But, in the expansion of the tourist industry in the last several years, the Government has permitted new development of tourism on islands in Ari Atoll, in part to provide employment opportunities.

One island, Gan, had a severe unemployment problem after the British closed an air base there in 1976. To provide new employment, the Government encouraged development of a textile industry with foreign investment.

In 1984 the Government continued its programs to improve medical services to the people outside of Male. In addition to the central hospital in Male, which is fairly well equipped, a hospital was opened in a northern atoll and construction continues on two hospitals in southern atolls. The Government also has instituted a program to have a family health worker and a health center in every atoll. Three such centers were completed in 1984. Health care remains rudimentary but is improving. Life expectancy at birth is 53 years, and infant mortality is 103 per 1,000. The population is 173,000 and the annual growth rate is 3.0 percent. Only 15 percent of Maldivians (54 percent on Male) have access to potable water (1977 figures).

Only 44 percent of Maldivians have completed primary education, and in 1984 there were not more than about 75 college graduates in the country. The present government has made rapid progress in education. There is now a government school, with trained teachers and a broad curriculum, in every atoll. At present, these schools serve only the children on the islands where they are located. The Government's long-term goal is to have such schools on every inhabited island. The Government has built community education centers in every atoll. It has also established an advanced level secondary school and a vocational training center on Male Island, and plans to build vocational training centers in some of the outer atolls. It opened a teachers training center in Male in March 1984.

The Government claims that overall literacy is 82 percent, with no significant difference between the rates for men and women. It says that rates do vary among different age groups, with highest literacy in the younger age groups. There are no universities in the Maldives. The Government seeks scholarships for promising students to universities in the Middle East, India, Australia, and the United Kingdom.

By Islamic and Maldivian tradition, women play a lesser role than men in public life. No women were serving as members of the Majlis elected in 1980; President Gayoom appointed one. There are three women in the Citizens Special Majlis that is reviewing the proposed constitution. Women do hold responsible positions in the civil service and the President has appointed two women as aides and another to be his Director of Social Affairs. In 1982, President Gayoom appointed a National Women's Committee which is seeking ways to increase participation by women in the country's life. The Committee, which reports directly to the President, plans to send a sizable delegation to the World Conference on Women in 1985.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
## (U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: MALDIVE ISLANDS

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.AID ................. | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.0 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 2.1 | 5.0 | 2.3 | 14.1 |
| IBRD | 0.0 | 0.0 | 0.0 | 0.0 |
| IFC | 0.0 | 0.0 | 0.0 | 0.0 |
| IDA | 0.0 | 5.0 | 0.0 | 8.2 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 2.3 | 2.3 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 1.9 | 0.0 | 0.0 | 3.4 |
| OTHER-UN | 0.2 | 0.0 | 0.0 | 0.2 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

# MOROCCO*

The King is both temporal head of state of Morocco and religious leader of its Muslim community, encompassing virtually the entire population. As the leader of the Alaouite dynasty which began in 1649, King Hassan II has a unique role. While decisions on foreign affairs are made by the King, policy on many matters is drawn up by the Government and requires the approval of Parliament. The Government is named by the King, who takes into account the relative weights of the political parties in choosing his Cabinet.

Morocco describes itself as a developing democracy and the nation's leaders, including the King, have repeatedly stated their commitment to democratic institutions. In practice, however, the King remains a monarch with great power. Traditional political institutions and practices coexist with modern parliamentary-style practices. The high level of illiteracy (72 percent) and widespread poverty also limit the extent to which the population is able to exercise political rights.

The fourth Parliament since Moroccan independence was elected in 1984 by an orderly process described as one of the fairest in the country's history. However, 1984 was also a year of testing for human rights as economic austerity and a declining standard of living resulted in challenges to public order. In January, disturbances in several cities over a variety of socio-economic-political grievances left, according to official figures, 29 dead; other observers place the death toll at over 100, with 114 injured. Following the unrest, nearly 2,000 individuals were detained, most of whom have since been brought to trial or released. Publication of several opposition press organs, including the daily newspaper of the Communist Party of Progress and Socialism (PPS), was halted for several weeks following the disturbances.

The Government also moved during 1984 to control the activities of Islamic fundamentalists suspected of being behind the January disturbances. A trial of 71 leading fundamentalists resulted in death sentences for 13 and lengthy prison terms for others. The Government exercised close control over the activities of other minority groups suspected of proselytizing, including members of the small Baha'i and evangelical Christian communities. Morocco's tolerance and support of its indigenous Jewish population was highlighted by a May Congress of Jewish Communities held in Morocco and attended by Jewish leaders from Europe, North America, and Israel. An institutional relationship with the Catholic Church was also developed during 1984.

On August 30, a popular referendum ratified Morocco's union with Libya, raising some concern about the possible implications of this development for human rights in Morocco.

Private investment and private property play a large role in the economy, although certain key industries are government operated or regulated. Morocco remains a predominately rural nation with over 55 percent of the population living outside the cities. The Government continues to place high priority on job creation and continuing development of the agricultural sector to reduce social and economic disparities between the urbanized coastal plains and the interior, as well as to upgrade nutrition and food production.

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*A separate section on the Western Sahara is appended to this report.

The security apparatus, comprising several overlapping police and paramilitary organizations, has an important impact on the human rights situation and is for practical purposes under the King's control. In 1984 the armed forces also helped maintain public order when regular army troops were used to control riots in a number of Moroccan cities.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

In 1984 there were no known instances of political killing.

#### b. Disappearance

There were no known disappearances during 1984. Amnesty International, however, continues to protest the cases of approximately 80 individuals reportedly taken into custody by Moroccan forces in connection with the war in the Western Sahara as far back as 1976 and who reportedly have disappeared.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

A number of Moroccan political organizations have charged that, while questioning individuals detained following the January disturbances, authorities engaged in cruel and inhuman treatment, including physical beating. There was not, however, a clear nationwide pattern to such charges. There is no indication that such treatment was ordered by the Government. Charges of cruel treatment were rarely brought before the courts, and no charges of torture or cruel treatment were upheld by judicial authorities. Rumors of more systematic torture during military interrogations continue to circulate.

Amnesty International has continued to focus on the conditions of detention of approximately 100 military prisoners arrested following the 1971 and 1972 attempts on the life of King Hassan. It reported in 1984 that the individuals had been held since 1973 in "windowless, filthy and unventilated cells, (exposed to) extremes of temperature, solitary confinement, arbitrary punishments and beatings, inadequate food, and complete lack of medical care." Amnesty International indicated that it had received reports "that approximately 20 of the prisoners may already have died, many at least in part because of the very bad conditions."

A number of Moroccan detainees, especially those in the political prisoner category, are allowed to receive Moroccan newspapers, to have access to radio and television, and to pursue studies while in prison. Political prisoners and other detainees are allowed family visits, and family members frequently are permitted to bring food to supplement the prison diet. A number of the prisoners convicted of involvement in the 1971 and 1972 coup attempts continue to be held without family visitation rights and without the right to reply to mail received.

### d. Arbitrary Arrest, Detention, or Exile

Several political organizations have asserted that arbitrary arrest of individuals suspected of past trouble-making was a common tactic used by authorities following the January unrest. A number of political parties charged openly that many of those detained were held for weeks without being informed of charges against them, and were not released on bail. Most of the detainees were eventually charged with "threatening public order" and "vandalism." When cases of several of those arrested in January came to trial, judicial authorities threw out the charges.

Denial of access to some of those arrested in January, as well as to others sentenced for fundamentalist activity, led a number of detainees to launch hunger strikes to dramatize their requests. Twenty-nine detainees in Essaquira, Marrakech, and Safi launched a hunger strike on July 4. One of the strikers died from a heart attack on July 18 and two others from hunger on August 28 and 29. The remainder desisted following reported assurances that authorities would investigate their requests and partly meet their demands. The 26 remaining hunger strikers intermittently renewed the strike in September and October because of the alleged failure by the authorities to keep their word. In addition, 35 individuals in the Province of Oujda, serving sentences for Islamic fundamentalist activities, began intermittent hunger strikes in August to obtain status as political prisoners.

Under a separate military code of justice, a number of military personnel accused of corruption have in the past been detained without warrants or announcement of a trial.

In its report Torture in the Eighties, Amnesty International expressed concern that certain aspects of Moroccan legal provisions and practice, particularly those related to incommunicado detention, create the preconditions for torture and ill-treatment.

There are no known instances of political activists exiled from Morocco, although some activists have preferred to remain in voluntary exile, where they are often active in leading opposition groups. Twenty of 71 defendants in the trial of Islamic fundamentalists in Casablanca in the summer of 1984 are in the latter category.

### e. Denial of Fair Public Trial

The Moroccan judicial system is generally considered fair and is independent of political control. Cases are brought before an initial review court, which can call for a hearing. At this juncture the detainee is informed of the charges against him. The court questions the detainee to decide if the charges have merit. If not, or if the infraction is minor, the court can release the detainee or impose light punishment. If a lengthy investigation is required, the court may release the detainee on his own recognizance. In cases involving serious crimes, the courts generally move quickly to bring the case to trial. If convicted by the court of first instance, the accused has the right of appeal.

## MOROCCO

Although most cases are handled by civilian/secular courts based largely on French legal practice, Morocco has a parallel judicial system using Islamic law or Shari'a to deal with marriage, divorce, child custody, and inheritance for Muslim Moroccans. While safeguards to human rights applicable to the civilian court system do not apply in the Shari'a courts, Koranic principles and the limited scope of the cases considered reduce possibilities of abuse.

Estimates of the number arrested and tried in connection with the disturbances in January vary. Ranking government officials told a visiting delegation of the International Federation of Human Rights in March that 1,800 individuals had been detained, with about 1,200 brought to trial by late March. Other sources, including the foreign press, reported that as many as 1,500 had been brought to trial; at least half the defendants are believed to have been convicted, although not all were incarcerated.

Prisoners serving sentences for political activities fall into two categories: some 110 prisoners held for political activities dating back as far as the early 1970's and sentenced to prison terms of up to 30 years; 75-100 prisoners detained for Islamic fundamentalist activities, although some sources estimate that in the spring of 1984 the number reached 200-300.

According to the Moroccan Government, 60 political prisoners were included in the King's August 20 pardon which commuted or reduced sentences of 154 prisoners. Human rights organizations have confirmed the release of 47 prisoners, including both long-time prisoners and others convicted after January 1984.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

In general, the Government does not interfere excessively in the private lives of its citizens. The Constitution states that the home is inviolable, and that no search or investigation can be made without a judicial warrant. This stricture is reportedly not always observed. It is widely believed that the Government selectively monitors certain individuals, including their telephone conversations. After the January disturbances, it was alleged that police and security forces searched offices and homes without warrants for evidence of subversive activity.

To control the spread of Islamic fundamentalism, the Government instituted in May a program to train Interior Ministry officials to observe and monitor teachings and discussions in mosques and elsewhere on "religious" subjects.

There is inspection of correspondence to and from prisoners in Moroccan jails. There was no evidence or public charges in 1984 of government interference or tampering with public mails.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The Constitution provides for freedom of speech, including freedom of the press, as long as no criticism is made of the Monarch, the Crown, or Islam. All newspapers and journals are privately owned, although some are subsidized by the Government. Most are controlled by political parties or by private groups and associations. Criticism of the Government, other public institutions, and social conditions is frequent, although constraints exist.

During the January disturbances, no newspaper mentioned the widespread unrest directly. When the Communist Party of Progress and Socialism newspaper Al Bayane was reportedly preparing to comment on the unrest, 12 days after it had begun, publication was suspended for 2 months. Subsequently, the editors alleged in their newspaper that the journal was subject to prior review by government authorities.

Many foreign journals are available in Morocco; seven have local editions there. All publications, whether printed in Morocco or imported from abroad, require government approval before they can be sold. Foreign publications are usually seized when they refer negatively to Morocco. Some Spanish papers--in particular, Cambio 16--have been unavailable following alleged sensationalist reporting of the January disturbances.

The Government controls television and radio, which generally reflect official views.

In the campaign for parliamentary elections, opposition viewpoints were freely expressed, and there were only isolated instances of government interference. Academic freedom is generally respected, although there are strictures against the investigation and discussion of the monarchy and Islam.

### b. Freedom of Peaceful Assembly and Association

There are constitutional guarantees of freedom of peaceful assembly and association. Private associations are permitted, after registering with the Government, and professional, business, and religious associations flourish.

Three major trade union federations operate: the Union Marocains du Travail (UMT); the Confederation Democratique du Travail (CDT); and the Union Generale des Travailleurs Marocains (UGTM). The UMT is the largest with over 60 percent of the somewhat less than 1 million organized workers that are directly or indirectly affiliated with a trade union. Union strength is largely in the industrial and commercial sectors. Relatively few agricultural workers are organized. The UMT annually represents Moroccan workers at the International Labor Organization (ILO). The CDT and UGTM are also active internationally and both participated in the June 1984 International Labor Conference.

Although a number of small-scale strikes occurred in 1984, there were no major strikes. This may have been due to the depressed economy or fear of adverse government reaction. A number of trade unionists were arrested in connection with the January disturbances, but there was no evidence of arrests or arbitrary detention for trade union activity. No known union figures are serving sentences for union activity.

The UMT has presented a number of complaints to the International Labor Organization (ILO) in the last two years relating to infractions of ILO conventions on freedom of association and collective bargaining. The cases primarily concern allegations that firms dismissed workers because of their roles in trade union activities. In some cases, full or partial settlement has been reached, usually after strikes and protracted negotiations. In others, employers have chosen to ignore ILO recommendations that the workers be reinstated.

The Constitution also guarantees representation of workers in Parliament. Of 10 seats reserved for trade union organizations in the current 306-member Parliament, the UMT elected 5, the CDT 3, and the UGTM 2 members in the 1984 elections. The UMT is nonpartisan, whereas the CDT and UGTM are closely allied with two of the largest political parties.

### c. Freedom of Religion

The population is over 99 percent Muslim, and Islam is the official state religion. The King bears the title of "Commander of The Faithful" as the religious as well as secular leader of the Moroccan population.

Two non-Islamic religions have a significant presence in Morocco, Judaism and Christianity. There are some 11,000 to 14,000 Jews, living mainly in the major cities. The Jewish community operates schools and social institutions, as well as 20 major synagogues. Publications in Hebrew are permitted and rabbis serving the Jewish community are trained in Morocco. The Jewish community has close ties to communities in other nations, including Israel, and in 1984 a congress was held in Rabat attended by Jewish leaders from Israel, including the Knesset, as well as from France, Belgium, Canada, and the U.S.

There are also institutional links between the Moroccan Government and the Roman Catholic Church. In December 1983 Morocco pledged in a letter to Pope John Paul II to guarantee the right of the Catholic Church to conduct its activities, both religious and charitable. The letter also formally recognized the work of the Catholic clergy, who come exclusively from abroad, in ministering to some 100,000 foreign residents, with parishes in most major cities.

The Constitution provides guarantees for freedom of worship, although proselytizing is punishable. While conversion to another faith is not banned in the civil code, the Islamic faith strongly discourages it. Between December 1983 and May 1984, 18 members of the small Baha'i community were arrested and, in separate trials, 17 were accused of forming an illegal association which had failed to register with the authorities, attempting to convert Muslims to their faith, and constituting a threat to public order. In January and February 1984, the courts handed down convictions and 3-year sentences to 16 of the defendants and in June another defendant also received a conviction and 3-year sentence. On August 13, the Appeals Court in Casablanca dismissed convictions of 3 defendants and reduced sentences in 13 others to 10 months. The Appeals Court in Tetouan confirmed one of the three-year sentences. The convictions were appealed to the Supreme Court during October. Some see the Government's charges of proselytizing as merely a pretext for an effort to suppress the Baha'is' religious liberty and induce them to stop practicing their faith.

Official concern over proselytism also led to government action in May against some Protestant Christians. Beginning on May 1, several Protestants were called in for police questioning on their religious activities. The bookstore of a Protestant minister in Fes, which carried a limited number of Bibles and Christian literature, was closed in May. Those called in for questioning were soon released, although some were later called back for questioning.

Throughout 1984, the Government moved to counteract the growth of Islamic fundamentalism, especially after reports of fundamentalist involvement in the January disturbances. In December 1983, leading Moroccan fundamentalist scholar Abdeslam Yassine was arrested for printing an illegal newspaper and for trying to form an Islamic fundamentalist political party. He was sentenced in May to two years in prison. During his prolonged trial, the Government briefly imprisoned a number of Yassine supporters. In late April, five other fundamentalists, who were attempting to publish a fundamentalist tract, were also picked up, although most were released. In June, 71 Islamic fundamentalists were brought to trial in Casablanca. Twenty defendants were charged with incitement to rebellion, attacks on the internal security of the state, and plotting against the regime. On July 30, the court handed down death sentences for 13 of the 71, including 7 in absentia. By late 1984, these sentences had neither been carried out nor commuted. Thirty-four others, including 13 in exile, were sentenced to life terms, and the remaining were sentenced to varying terms.

In June, King Hassan announced a program under the Interior Ministry to oversee teaching in the mosques. Interior Ministry personnel are to monitor and report teachings which deviate from orthodox Islam. Government spokesmen and the King have also counseled the population against extremist religious philosophies and admonished religious scholars to hew to orthodoxy.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement is unrestricted throughout Morocco. As an administering authority in the Western Sahara, the Moroccan Government restricts movement in areas of the territory which are militarily contested. There were no reported cases of restrictions on foreign travel for political reasons in 1984 and there are no formal restrictions on emigration. A woman is obliged to have the permission of her father or, if married, her husband, to obtain a passport. A divorced woman must receive her father's permission for a passport, and if she has custody of children, she must obtain the former husband's permission for their passports. Citizens who have left the country are guaranteed the right to return, and there were no known instances of the Government refusing reentry in 1984. Morocco specifically encourages voluntary repatriation for members of the Jewish community who emigrated to Israel or elsewhere. It also encourages the return of Saharans who have opposed Morocco in the conflict over the Western Sahara. Former Polisario members returning to Morocco have been reintegrated into either civilian or military life.

Adhering to the 1951 Convention Relating to the Status of Refugees, Morocco currently hosts 500 to 1,000 refugees, mainly from African countries. As rapprochement between Morocco and Libya continued over the past year, the size of the Libyan exile community is believed to have dropped. In August and September there were press reports that three

Libyan dissidents were forcibly repatriated to Libya. Moroccan authorities deny the charge.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Executive power is vested in the King. The King also exercised legislative functions of the Government from October 1983 to October 1984, after the term of the previous Parliament had expired. The King proposed in July 1983, and all political parties agreed, to postpone new elections. In the interim, the King exercised legislative authority by virtue of Article 19 of the Constitution.

In direct elections on September 14, 12 parties participated, with an average of 6 to 7 candidates for each of 204 seats. All parties were offered free time on government television and radio. In the election, 67 percent of eligible voters cast ballots, according to official figures. The vote was followed by some charges of fraud and government interference, and the 67 percent participation rate is widely questioned. Nevertheless, the vote was considered to be among the fairest in modern Moroccan history. Thus far, few if any results have been challenged in court.

On June 10, 1983, voters elected nearly 15,500 representatives for municipal elections. Local government is generally accepted as representative, although results of the 1983 municipal elections were widely challenged.

Morocco also employs the direct referendum on major questions which affect the Constitution and the structure of the state. In 1984, a nationwide referendum on the Moroccan-Libya Treaty of Oujda, signed on August 13, was conducted. The Government announced that 97 percent of those voting cast ballots for the union.

No group dominates the political spectrum and virtually all points of view are represented in the Parliament. Ethnic and tribal distinctions remain, as the mountainous terrain has fostered relative isolation and separate regional identities. Although Berber spokesmen claim that Moroccan institutions do not reflect the Berber character of the population and that the Berber identity is insufficiently maintained, Berbers continue to have a significant role in national and local affairs.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

There have been no instances in recent years where Morocco has refused to allow international or non-governmental investigation of its human rights situation.

In March Morocco was visited by a Commission from the Paris-based International Federation of Human Rights. The Commission met with groups and individuals to investigate the human rights situation following the January disturbances. The delegation also met with senior government officials and was provided with data and reports, which generally corresponded with independent estimates, of the numbers of those arrested, charged, and brought to trial.

## MOROCCO

During hunger strikes by prisoners from July through October, the Government, after some delay, allowed Moroccan jurists and representatives of local human rights associations to meet with the hunger strikers and their families. The Government also received appeals from foreign groups on behalf of the hunger strikers, in some cases through Moroccan embassies and consulates abroad where the ambassador or senior officials accepted petitions. The Government was also petitioned by concerned individuals, mainly Moroccan but also some foreign groups, who traveled to the country to attempt to intervene on behalf of the hunger strikers.

In its 1984 report, as well as in its May 1982 Special Report on Morocco, Amnesty International expressed concern about prisoners of conscience, the length of pretrial detention, disappearances, and the alleged deaths of some detainees and prisoners. Freedom House calls Morocco "partly free." Amnesty International's report Torture in the Eighties and most of its other reports have not been publicized in the Moroccan press, although international commentary on the human rights situation in Morocco is occasionally reported and debated in the local media.

Two major human rights associations function in Morocco: the Moroccan Association for Human Rights (AMDH) and the League for the Defense of Human Rights (LDDH). The LDDH is closely affiliated with the Istiqlal Party (the major political party at the time of Morocco's independence), while the AMDH has less clearly defined links with left-wing political parties. The LDDH generally focuses on international causes such as Palestinian rights. The AMDH concentrates almost exclusively on internal human rights questions. Both groups publish documents and periodic reports. They occasionally intercede with the Government and the courts on behalf of individuals without retaliation. Most newspapers, however, refuse to carry communiques for the associations. The AMDH played an important role in efforts to resolve a hunger strike by prisoners during the second half of 1984.

### ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The population is 23 million and is growing at the rate of 2.9 percent. Per capita gross national product is $872. Beginning in 19[illegible] and through 1984, the economy entered a period of severe retrenchment. In September 1983 Morocco signed a standby agreement with the International Monetary Fund through March 1985 designed to bridge the balance of payments gap while the Government undertakes necessary reforms for medium and long-term structural adjustment. Morocco also rescheduled its foreign debt through 1984. Given the size of its debt (some 85 percent of its gross domestic product), high debt service ratios, and continued drought conditions, Morocco faces continuing austerity. Government spending cuts have resulted in a postponement of health, education, and housing projects which serve the country's poorest citizens. Life expectancy at birth is 54 years and the infant mortality rate is 124 per 1,000 live births.

The education budget takes 30 percent of the overall government operating budget and the 160,000 teachers under the Education Ministry constitute half of public sector employment. The Government is trying to reform the educational system.

## MOROCCO

The Constitution reaffirms the legal equality of all Moroccans and provides that "men and women enjoy equal political rights." Women occupy government positions of responsibility, including at the ministerial staff level, as well as in the legal, medical, and teaching professions. Progress in professional fields has not always been matched in society at large. There are areas where traditional standards prevail, especially in the area of private law. Divorce is permitted, but a husband can repudiate his wife while she cannot repudiate him. A male can take four wives according to Islamic tradition, although such multiple marriages are increasingly rare. Segregation of sexes is common, especially in social settings. However, in urban areas and among the urban poor, as well as increasingly among middle and upper class families, women are employed outside the home and contribute to family income.

The role of Moroccan women in public life remains restricted. No women hold seats in the 300-member Parliament, although 12 women were unsuccessful candidates. Of 15,500 city council persons in Morocco, 17 are women. There are women serving on the Saharan Consultative Council, a body created in 1981 to advise the King on Western Saharan issues. Ten percent of Moroccan air force personnel are women. The Government actively supports labor and family planning projects designed to improve the conditions of women and has organized employment programs for them. Religious and political resistance to such efforts remains.

Female school enrollment is growing faster than that of males, and females comprise 38 percent of all primary students, more than 40 percent of all secondary students, and 25 percent of university enrollees. Only in rural areas is the enrollment of women in schools unusually low, attributable to traditional attitudes of the Berber population and economic necessity.

## MOROCCO

## THE WESTERN SAHARA

Moroccan administration includes portions of the Western Sahara now divided into four provinces. Morocco assumed administration of the northern three provinces after the withdrawal of Spanish forces in 1975, and it asserted control over the southernmost portion in 1979 when Mauritania renounced claim to the area and ceased administering the region over which its authority had been vested by the Madrid accords of 1975.

Since 1977, the northern provinces of Layoune, Smara, and Boujdour have participated in elections held throughout Morocco. Communal elections were held in the southernmost province of Qued ed Dahhab in May 1981. The four Saharan provinces participated in 1983 elections and all votes in 1984, including the August 31 referendum on the Moroccan-Libyan Treaty of Union, the September 14 direct parliamentary elections, and the October 2 indirect elections. Participation in the first two votes of 1984 tended to run higher than in most of the rest of Morocco, with some areas in the Western Sahara registering as high as 100 percent participation, according to official figures, in the August 31 referendum.

Moroccan Saharan incumbents fill all 10 parliamentary seats from the Western Sahara provinces, and politicians of Western Sahara origin also fill seats from other provinces.

Governors of the Saharan provinces, appointed by the King, are all native Saharans. In consultation with elected municipal and provincial councils, the four governors administer their provinces in the same manner as provinces and prefectures of Morocco proper. Most village and civil servants are also locally recruited Saharans. The governors are concerned primarily with accelerating development and delivery of social services. Large-scale public works projects, expansion of public services, and upgrading of long-impoverished areas continue.

A consultative council on the Sahara was elected in 1981. The council, some of whose 80 members are women, first met in late 1981 and continued to function in 1984.

Ultimate sovereignty over the Western Saharan region remains a subject of international dispute with sporadic fighting between Moroccan forces and the Polisario, an organization which seeks independence for the territory. At the June 1981 summit meeting of the Organization of African Unity (OAU) in Nairobi, Morocco proposed that a referendum be held to decide the question. Two months later, at a subsequent OAU meeting, specific measures seen as leading to a peaceful settlement of the Saharan problem were outlined by the member states. The OAU summit in June 1983 resolved that the referendum be held by December 1983 but also called for direct negotiations between Morocco and the Polisario, a request with which Morocco did not agree. The resulting stalemate has prevented progress to resolve the Western Sahara dispute in the OAU. Morocco walked out of the November 1984 OAU Summit after the Saharan Democratic Arab Republic delegation was seated.

## MOROCCO

The civilian population in the portion of the Western Sahara under effective Moroccan control apparently enjoys the same civil liberties as other Moroccans in areas of undisputed Moroccan sovereignty. There have been few opportunities to evaluate the human rights practices of the Polisario in areas outside the "Berm." There have, however, been frequent Moroccan allegations of Polisario human rights abuses, including illegal detention, impressment into military service, and general infringement of the civil liberties of the inhabitants of the Western Sahara.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS (U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: MOROCCO

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 62.9 | 53.9 | 83.7 |
| LOANS.............. | 35.0 | 27.5 | 45.0 |
| GRANTS............. | 27.9 | 26.4 | 38.7 |
| A.AID ............... | 11.7 | 11.2 | 26.4 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 11.7 | 11.2 | 26.4 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 7.0 |
| B.FOOD FOR PEACE....... | 48.4 | 40.2 | 54.8 |
| LOANS.............. | 35.0 | 27.5 | 45.0 |
| GRANTS............. | 13.4 | 12.7 | 9.8 |
| TITLE I-TOTAL.......... | 35.0 | 27.5 | 45.0 |
| REPAY. IN $-LOANS..... | 35.0 | 27.5 | 45.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 13.4 | 12.7 | 9.8 |
| E.RELIEF.EC.DEV & WFP. | 2.7 | 4.0 | 0.2 |
| VOL.RELIEF AGENCY..... | 10.7 | 8.7 | 9.6 |
| C.OTHER ECON. ASSIST... | 2.8 | 2.5 | 2.5 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 2.8 | 2.5 | 2.5 |
| PEACE CORPS...... | 2.8 | 2.5 | 2.5 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 31.1 | 101.3 | 70.4 |
| LOANS.............. | 30.0 | 75.0 | 38.8 |
| GRANTS............. | 1.1 | 26.3 | 31.6 |
| A.MAP GRANTS.......... | 0.0 | 25.0 | 30.0 |
| B.CREDIT FINANCING.... | 30.0 | 75.0 | 38.8 |
| C.INTL MIL.ED.TRNG.... | 1.1 | 1.3 | 1.6 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 94.0 | 155.2 | 154.1 |
| LOANS.............. | 65.0 | 102.5 | 83.8 |
| GRANTS............. | 29.0 | 52.7 | 70.3 |
| OTHER US LOANS.......... | 16.6 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 16.6 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 316.3 | 351.0 | 312.5 | 2862.8 |
| IBRD | 276.0 | 308.2 | 265.8 | 2496.4 |
| IFC | 2.3 | 40.0 | 0.0 | 102.0 |
| IDA | 0.0 | 0.0 | 0.0 | 50.0 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 10.7 | 37.5 |
| UNDP | 8.0 | 2.8 | 0.0 | 62.9 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 22.0 |
| EEC | 30.0 | 0.0 | 36.0 | 92.0 |

## NEPAL

Nepal is a small, landlocked country strategically situated between India and China. The world's only Hindu Kingdom, it maintained a self-imposed isolation until 1951. Economic development and efforts to establish some form of democratic practice have been government objectives only since that time. Nepal ranks among the world's poorest countries, and it has a largely illiterate population dependent on subsistence agriculture.

Nepal's Constitution specifies that the King (chief of state) is the sole source of authority for all government institutions. Although there are traditional and constitutional restraints on the King's powers, he effectively rules as well as reigns.

The National Panchayat (legislature) consists of 112 representatives elected directly on the basis of universal suffrage and 28 appointed by the King. Legislation passed by the Panchayat is sent to the King for his approval without which it cannot become law. The Panchayat is empowered to select a prime minister from among its members, provided a candidate is able to win the support of 60 percent of the members. If no candidate receives that support, it provides the King with a list of three names from which to choose the Prime Minister. The Prime Minister appoints the Council of Ministers (Cabinet). The Council of Ministers, answerable both to the Panchayat and the King, manages day-to-day government operations and provides the King policy advice. In 1983, for the first time the Panchayat passed a vote of no confidence that led to the resignation of the Prime Minister and the speedy election of his successor. During 1984, an attempt to repeat this process failed when the chairman ruled that the petition against the current Prime Minister did not comply with assembly rules.

Internal security is maintained in the first instance by the national police force and as necessary by the army. Owing to Nepal's very limited communications facilities, local officials have a large degree of autonomy and wide discretion in how they deal with law and order issues. This has led to varied patterns of government reaction to opposition actions. Opposition views, including those of the banned political parties, are openly expressed and normally tolerated unless they touch upon the institution of the monarchy or the royal family personally. The press is increasingly active, and scores of independent newspapers are published, expressing a wide variety of views on political, social, and economic topics.

Yet significant restrictions on political activity still exist. Political parties, trade unions, and trade associations remain illegal. Several attempts by political and student groups to organize public meetings were not permitted and organizers and participants were arrested, most of whom have been released. Other opposition groups, however, were permitted to stage public demonstrations, and university students were allowed to select their campus leaders in free, open, and lively elections.

# NEPAL

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

There were no political killings in 1984.

#### b. Disappearance

There were no allegations of disappearances during 1984.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Prison Act governs the welfare and treatment of prisoners. While there have been no allegations of torture, close scrutiny of police practices is lacking and occasional instances of police brutality are believed to occur. Nepal's inherent communications problems result in considerable local autonomy and lack of accountability for local law enforcement officials.

Places of detention reflect the low standard of living in this extremely poor country. Jail conditions vary according to the crime committed and the person's status, but all prisoners have access to medical attention and to the traditional Nepalese diet. They are permitted visitors and goods from the outside. Generally, political prisoners have fared better than those convicted for criminal acts. Separate facilities are maintained for women and for the criminally insane.

#### d. Arbitrary Arrest, Detention, or Exile

Nepal does not have the right of habeas corpus but, according to the Constitution, a suspect must be brought before a court within 24 hours and must be informed of the general grounds for the arrest or be released. A seven-day extension may be granted for the completion of the police investigation. Strict adherence to these principles is not the norm. The Public Security Act permits six months of preventive detention before charges must be filed.

#### e. Denial of Fair Public Trial

The law provides for the right to a fair public trial in most cases (some security and customs cases excepted), and this right is usually honored. Except for those held in preventive detention, the Constitution guarantees the right to counsel and protection from double jeopardy and ex post facto laws. These rights are not always respected and their nationwide implementation remains an unrealized goal. There are separate military and civilian courts, and military courts generally deal only with military personnel, but civilians may be tried in military courts for crimes involving the military. Judges are appointed by the Government, and decisions in political and security cases sometimes reflect the Government's view. All lower court decisions are subject to appeal, and the Supreme Court is the court of last appeal. The King may grant pardons and set aside judgments.

In mid-1983, the new Government of Prime Minister Chand released approximately 40 persons the Government described as political prisoners. This sparked numerous appeals in the press for the release of other alleged political detainees, continuing into 1984, but no further releases have occurred. In 1984, a committee was formed by representatives of banned political parties to press for release of "political prisoners." One of the cases the committee has highlighted is that of a man who has allegedly served his full prison sentence and paid his fine but still has not been released. Most of the 128 cases the committee has listed as "political prisoners," however, appear to be people serving long sentences for criminal acts such as murder or armed robbery.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Nepalese law and tradition bolster privacy of the home and family, which the Government generally respects. People are free to meet with whom they please and express political or other views freely. Except for those suspected of narcotic or security violations, search warrants issued by central District officers are required before search and seizure. There have been no reports of monitoring of personal correspondence, although all merchandise imported through the mail undergoes a vigorous customs examination, and banned items like pornography or beef are seized.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Under the Constitution, freedoms of speech and the press may not be exercised in support of a political party or to the detriment of the common good, the monarch, or members of the royal family. In practice, this rule is widely interpreted to permit criticism of the Government, but not the monarch or the royal family. The number of independent newspapers and journals continued to grow during the past year and there is wide tolerance of frank criticism of the Government in the press. Journals and newspapers which overstep the established guidelines may be suspended from publication. However, there were no such suspensions in 1984 and a Communist newspaper which had previously been suspended resumed publication. The two largest circulation dailies are government organs, but they carry reports of opposition activities and criticism of the Government. Following a liberalization of government policy governing the licensing of new newspapers in 1982, an estimated 150 papers began publishing. Although many of these papers have a very small circulation (less than 100 copies), this development demonstrates a growing government acceptance of a broader role for the press in Nepalese society.

International news magazines are generally available in Nepal, but they are occasionally banned for articles considered derogatory to the Government or to the monarchy. No such bannings occurred in 1984. Large numbers of travelers to and from India and the West make effective control of foreign reading material impossible.

### b. Freedom of Peaceful Assembly and Association

Regulations permit local authorities to prohibit meetings, speeches, and posters if they are found not to be "for the convenience or good of the general public." The law forbids activities which are detrimental to the monarchy, relations among the people, or national security. All political parties are officially banned under the Panchayat system, although in practice political party members are generally permitted to assemble privately and express their views in the unofficial press. Regulations governing political activities are interpreted differently by local authorities in different areas of the country. The decision whether to permit a political meeting is made on an ad hoc basis. In August 1984, a permitted memorial service for a deceased Congress Party leader became a major platform for four hours of opposition speeches. But Congress spokesmen have alleged that the Government hired goons to break up a meeting in the village of Surajpur, resulting in the deaths of two party members. During 1984, the Government frequently refused permission for student groups to hold public off-campus meetings and, in several instances when the groups persisted, authorities stopped the activities and detained the participants for a short period.

Labor is not a significant factor in Nepal. The Government of Nepal banned trade unions in 1960; however, associations which function like trade unions do exist. The Nepal Labor Organization, a creation of the Government, is the only organization officially permitted to perform trade union-like functions.

### c. Freedom of Religion

Nepal is officially a Hindu Kingdom and the vast majority of Nepalese are Hindus. Religious tolerance is traditional and the Constitution provides that "every person, having regard to the traditions, may profess and practice his own religion as handed down from ancient times." However, the Constitution also provides that "no person shall be entitled to convert another person from one religion to another." The legal code provides a maximum penalty of one year in prison for any Hindu who converts to another religion and three to six years in prison for any person who seeks to proselytize a Hindu. During 1984, some 40 Nepali Christians were arrested, mostly in western Nepal, for conversion and/or proselytization. They are currently free on bail awaiting trial and reportedly have the assistance of counsel.

Numerous Christian voluntary organizations operate educational, medical, and social service facilities in Nepal, most of which are officially sanctioned by the Government. In addition, foreign clergy are permitted to live and work in Nepal to serve the expatriate community. However, the Government has made clear that open proselytizing by foreigners would result in their expulsion from the country.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on travel within the country for Nepalese citizens, although several border areas have been restricted for travel by foreigners. Nepalese abroad are free to return home.

Passports are normally available to virtually all applicants. Issuance, however, is hindered by slow processing, short validity, and country limitations. Allegations were made in past years by opposition members that the Government limited their travel outside Nepal but no instances were reported in

1984. There are no known cases of revocation of citizenship for political reasons.

Nepal has no stated refugee policy. In the past it has accepted and assimilated approximately 12,000 Tibetan refugees and, according to immigration officials, no refugee has ever been forced to return to Tibet. Today, travelers from Tibet travel freely in both directions across the border.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Nepal is an absolute monarchy; political legitimacy flows from the King, not from the people. Most Nepalese accept and support this central role of the monarchy. Some parts of the population do so for both religious reasons (the King is regarded as a reincarnation of the Hindu god Vishnu) and out of respect for tradition. Most Westernized Nepalese do so because they see the monarchy as the symbol of Nepalese nationalism and a factor that unifies a nation of disparate ethnic and linguistic communities.

Accompanying this respect for the monarchy is substantial public support for the concept that Nepal's future political development should follow democratic lines. The King's public statements stress the plight of the common citizen and the national duty to overcome the nation's backwardness. In the 1980 constitutional reforms, he restructured the nation's formal political framework to make officials more answerable to the voting public. Certain elements of representative government exist and the trend is toward even greater political participation. National Panchayat representatives pay far more attention to their constituents since the 1980 reforms, because they are elected directly. Nevertheless, the ban on political parties makes it difficult for public opinion to be represented or mobilized systematically.

In July 1983, the National Panchayat passed a vote of no confidence against Prime Minister Thapa, which in turn led to his resignation. Although Thapa's resignation had to be approved by the King, it was the first removal of a prime minister from office by the Panchayat. Thapa's ouster introduced the concept that the prime minister was answerable to the Panchayat as well as to the King. The activity of the Thapa group during the 1984 Panchayat session, when it tried to similarly oust the Government which had replaced it, gave further substance to the concept of an active, loyal opposition within the Nepalese political context.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

No international human rights organization is known to have requested permission to come to Nepal since the visit of Amnesty International representatives in 1977. In its 1984 report Amnesty International expressed its continuing concern about the arrest and imprisonment of opponents of the Government as well as about severe restrictions on political activity and religious freedom in Nepal. Freedom House regards Nepal as "partly free."

There are two human rights organizations in Nepal which work with Amnesty International, regional human rights groups, and other groups. Activists disseminate their views in public meetings, newspapers, and pamphlets. There have been no reports of attempts to suppress them. The office concerned with international organizations at the Ministry of Foreign Affairs is responsible for dealing with international human rights organizations and issues. The Government has expressed its concern about human rights violations in Cambodia, Afghanistan, and southern Africa.

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Nepal remains a traditional rural Hindu society with over 90 percent of the population engaged in subsistence agriculture. Nepal did not open its doors to the outside world and start modernizing until 1951. Until then, there were virtually no schools, roads, or public health services. Communication facilities are still limited, and the radio remains most Nepalis' only contact with the outside world. Most of the population lives without electricity and has no access to adequate medical care. Although the large towns and cities have modernized, life in the remote villages has not changed in millennia.

Nepal's economic development has been hampered by geographical and demographic problems compounded by its isolation until 1951. These problems are offset only partially by the country's major resources--cheap labor, tourism, and potential hydroelectric power. Eighty percent of Nepal's land is hilly or mountainous, creating a high population density on its arable land. Population pressure on the country's limited resources has resulted in recent years in rapid deforestation, serious erosion, and loss of soil fertility.

Nepal's population is approximately 16.5 million, and its population growth is estimated at 2.5 percent annually, increasing the pressure on food supplies and social services. Its ratio of population to arable land is one of the world's highest. The per capita income is approximately $167 a year. Life expectancy is estimated at 46.2 years with the average for women slightly lower. Infant mortality is estimated at a relatively high 108 deaths per 1,000 live births.

Of the total population, only an estimated nine percent has access to relatively safe drinking water. The ratio of calorie supply available for consumption relative to nutritional requirements is estimated at about 91 percent. Approximately 60 percent of the population is believed to live below the absolute poverty level. Over 90 percent of the population lives in rural areas where many of the economic and social indicators referred to above are less favorable.

The literacy rate is approximately 20 percent. This figure has increased in conjunction with the increased enrollment in primary schools, which is currently estimated at 88 percent of school-aged children. However, the overall literacy rate for women is only 5 percent (compared to 33 percent for men). This is primarily because female access to basic education has been extremely limited. Nationwide, less than 25 percent of all primary school students are female and the majority of these are girls living in urban or semiurban areas; this figure drops to about 12 percent in secondary schools.

What legal rights women have, as a result of national legislation, are irrelevant to the vast majority of Nepal's women. Lack of education, formidable communications obstacles, and communal and tribal customs which dictate a secondary role for women combine to make it virtually impossible for women to achieve the equal status with men which is granted them under Nepalese law. As a result, rights are conferred on women--or denied them--on the basis of community and ethnic tradition. An AID/Nepal-financed study of eight rural villages showed that women in these areas have no personal right to landed property or inheritance, but can gain access through marriage or male progeny. In the Kathmandu Valley, on the other hand, women can hold land in their own right.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: NEPAL

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 18.9 | 18.5 | 17.5 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 18.9 | 18.5 | 17.5 |
| A.AID ................. | 15.5 | 13.8 | 14.1 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 15.5 | 13.8 | 14.1 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 1.7 | 2.8 | 1.3 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 1.7 | 2.8 | 1.3 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 1.7 | 2.8 | 1.3 |
| E.RELIEF.EC.DEV & WFP. | 1.7 | 2.8 | 1.3 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 1.7 | 1.9 | 2.1 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 1.7 | 1.9 | 2.1 |
| PEACE CORPS...... | 1.7 | 1.9 | 2.1 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.1 | 0.1 | 0.1 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.1 | 0.1 | 0.1 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.1 | 0.1 | 0.1 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 19.0 | 18.6 | 17.6 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 19.0 | 18.6 | 17.6 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 111.7 | 77.7 | 217.8 | 1041.1 |
| IBRD | 0.0 | 0.0 | 0.0 | 0.0 |
| IFC | 6.2 | 0.0 | 3.0 | 12.3 |
| IDA | 30.0 | 28.0 | 148.8 | 520.7 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 36.9 | 48.4 | 66.0 | 391.1 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 25.9 | 1.3 | 0.0 | 85.8 |
| OTHER-UN | 12.7 | 0.0 | 0.0 | 31.2 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

# OMAN

The Sultanate of Oman is an absolute monarchy with no machinery for the election of any institutions to share in the country's rule. The reigning Sultan, Qaboos Bin Said Al-Bu Said, is the 14th ruler of the current dynasty. The 14 years since his accession to power have witnessed a remarkable degree of progress in the social, economic, and administrative spheres. Almost totally undeveloped in 1970, Oman has used its modest oil revenues to foster such progress. During this period the Government has achieved a significant improvement in the living standards of its people. Development requirements have necessitated the influx of a large number of migrant workers, largely from the Indian subcontinent, but also from some countries in East Asia. The standard of living of some of these workers, while better than in their home countries, has not always kept pace with the standards enjoyed by the growing Omani middle class.

Political development, however, is still embryonic. The State Consultative Council, formed in 1981, functions as an advisory body on economic and social questions. Its members, while broadly representative of the population, are appointed by the Sultan who has continued the House of Al-Bu Said's long tradition of absolute control over all questions affecting the Omani state.

Despite its autocratic character, the Sultan's Government enjoys a high level of acceptance among the population. The economic and social benefits that have accrued from the current Government's efforts to modernize the country have won the allegiance of the urban population of the capital area and the provincial administrative centers. More importantly, Sultan Qaboos has been able to build on a trend already visible during the reign of his father to bring notables of the tribal system of the interior into the national administrative system. Historically, threats to a sultan's rule came from the ability of tribal leaders to organize opposition around the politico-religious institution and person of an imam (religious leader), located in the interior. The institution of the imamate was effectively suppressed in the 1950's, however, and many who would otherwise have given primary allegiance to the system of tribal authority have been offered positions in the administrative structure that has been steadily widening since 1970.

National security remains a matter of continuing close attention. In the early years of the rule of Sultan Qaboos, the Government's concern was focused on quelling an insurrection in the southern province of Dhofar. This insurrection was supported directly by the People's Democratic Republic of Yemen, with some Soviet and Chinese support. The insurrection was finally defeated in 1975, but continued hostility from South Yemen forced Oman to continue to devote much of its revenue to defense. This practice was continued with the growth of a new threat to its security and that of the entire Persian Gulf from Iran. As the nation on the south shore of the Strait of Hormuz, Oman has become the focus of attention for efforts to protect the flow of oil from the area, with concomitant increased expenditure on military modernization.

There were no major incidents in 1984 with significant impact on the human rights environment in Oman. Although lacking formal codification of civil and political rights, the Government is reasonably accessible to the people through their tribal leaders and walis (governors) who have the role of ombudsmen. The internal security services are large, efficient, and pervasive, but are not generally regarded as repressive, and the integrity of the individual is generally respected.

In the long term, the effects on human rights of rapid modernization are difficult to predict. The Omani Government sends large numbers of students abroad for university training, and many Omanis work and travel abroad, where they come into contact with currents of thought and opinion not readily available in Oman. To date, many key jobs in the Government, especially in the military and internal security services, are occupied by outsiders, including many British. Already, some demands for an increased pace in "Omanization" in the public sector have surfaced.

## RESPECT FOR HUMAN RIGHTS

## Section 1 Respect for the Integrity of the Person, Including Freedom from:

### a. Political Killing

There have been no known political killings in Oman in recent years.

### b. Disappearance

There were no allegations of disappearances in 1984.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Though Islamic law is administered throughout the country by Islamic judges, the physical mutilations prescribed by such law are generally commuted by the Government to prison terms. Exceptions may occur in very remote areas, or among Bedouin tribes, but there is no confirmation of such practices nor do they have the Central Government's sanction. Prison conditions are considered severe by Western standards; cells are not air conditioned despite summer temperatures which can reach over 115 degrees Fahrenheit, and all prisoners must observe the fasting requirements during the Islamic month of Ramadan. There are no reports of torture or other forms of cruel punishment by Omani authorities.

### d. Arbitrary Arrest, Detention, or Exile

Though Omani law does not provide for habeas corpus or its equivalent, the period of detention before trial in criminal cases is usually short. Abuses of the police power of arrest have occurred, but the criminal code imposes penalties for unjustified arrest or detention. Citizens have several channels through which they can seek redress of any grievance against law enforcement authorities, and these appear to function well, particularly in rural areas. Organizational affiliation through membership in certain unauthorized organizations is a criminal offense. A small number of former members of the Popular Front for the Liberation of Oman (PFLO) are reportedly still under detention, as are fewer than 50 insurgents from the Dhofar Insurgency (1965-75).

Approximately 500 Dhofaris returned to Oman in 1983 under an amnesty following the rapprochement between Oman and South Yemen. Smaller numbers have continued to return in 1984. All Omanis who were in exile under the previous Sultan were given the opportunity to return to Oman, and many thousands have done so since 1970. Incommunicado detention is not practiced.

### e. Denial of Fair Public Trial

Islamic law prescribes a fair and speedy trial before experienced and impartial judges, and judicial practice in Oman conforms largely to these prescriptions. In fact, however, the majority of cases are settled by out-of-court negotiations. There is no right under law to a jury, counsel, or public trial, but members of the public do attend trials and hearings. The defendant is formally charged, either before a magistrate of the police court in the capital area, or a local magistrate (qadi) in outlying areas. The defendant may call and question witnesses. If convicted, he may appeal his case to the chief magistrate of the police court system, and ultimately to the Sultan in cases involving serious offenses. In 1984 the Government announced the opening of several petty courts throughout the country to bring judicial services closer to the citizenry. The various judicial systems are technically subordinate to the Sultan, but they operate independently in the vast majority of cases.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There are no reported incidents of the Government interfering arbitrarily or unreasonably with the private lives of its citizens. However, warrants are not required to search private residences or offices. Such searches, as well as monitoring of telephones and private correspondence, are confined to cases where the Government perceives a security threat or criminal activity. There is no forced membership in political organizations. While there is no government policy to discourage the use of other languages in speech or print, or in religious instruction in the home, the Government has increasingly insisted that correspondence with it, and in public and legal documents, be in Arabic. Omani men have the right to marry as they choose but, in accordance with Islamic law, marriages between Omani women and non-Muslim men are not permitted.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

There are no guarantees in law which protect freedom of speech or freedom of the press. Criticism of the Sultan in any form or medium is prohibited by law. Criticism of individual officials, agencies, and their programs is tolerated, but is not given media coverage. The Government controls all radio and television broadcasting originating in Oman. Government control of all printed matter, including newspapers and magazines, is specified in a new Press and Publications Law, issued in May 1984. The law imposes strict controls on and a mechanism for prior censorship of all information in printed form, both publications produced by local organizations and imported publications. The Government owns two of the three daily newspapers, one in Arabic and one in English. Subsidies to the several privately owned weekly and biweekly publications provide an effective incentive to self-censorship, although arrests and closure for offensive articles have occurred. Thus, editorials and news coverage invariably reflect government views. Publications arriving in Oman from foreign countries are censored for politically or sexually offensive material and are occasionally banned. The censor's attention generally focuses on articles that directly attack or embarrass the Omani Government. Academic freedom is not an issue in Oman as there are as yet no institutions of higher education. Conversations with or between Omanis are candid on the subject of social, economic, and administrative development.

### b. Freedom of Peaceful Assembly and Association

Freedom of assembly is not guaranteed by law. Associations of any kind must register with the Government, and those which oppose the political system of the Sultanate are prohibited. Labor unions and strikes are illegal, and the organization of professional groups is embryonic.

### c. Freedom of Religion

Oman is an Islamic state and virtually all Omani citizens adhere to one or another sect of Islam, the exception being a small Hindu community made up of Omani citizens of Indian origin. Ibadhi Muslims are in an overall majority and include the royal family. However, members of the Sunni and Shi'a Muslim minorities are found in all walks of life in both the public and private sector. Non-Muslim foreigners, both Christian and Hindu, are allowed to worship at designated locations. In fact, the Government of Oman has donated land for the purpose of building a Christian church and a new Hindu temple. The only restriction imposed by the Government on non-Muslims in Oman is a prohibition against proselytizing. Conversely, conversion to Islam is encouraged and publicized.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Omanis living abroad before 1970 have returned to Oman in large numbers with official encouragement and without legal obstacles. Included in this group are several thousand ethnic Omani refugees from East Africa, particularly Zanzibar, who have been successfully resettled. Many Omanis who had sought refuge in the Peoples Democratic Republic of Yemen during the insurgency in Dhofar (1965-75) have returned to Oman with official encouragement. Non-Omani refugees are not permitted to remain in Oman. Those few that reach Oman are generally returned to their homelands unless they can be quickly resettled in a third country.

Omanis may travel to foreign countries freely, although a woman must have authorization from her husband or father to obtain a passport. Many Omanis work abroad, particularly in the United Arab Emirates where an estimated 30,000 Omanis are currently employed. Many of these people travel home to Oman on weekends. With the exception of a few military areas, there are no restrictions on travel by Omanis within their country. The Government has undertaken an extensive program of road construction and instituted a comprehensive transport system which has greatly increased the ability to move within the country to areas that had heretofore been inaccessible.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Oman is an absolute monarchy where the Sultan has ultimate authority over all government functions. Political parties, legal opposition groups, elections, and constitutions are unknown. Thus, citizens have no right to change their government or to choose the laws that govern them. Citizens do have access to senior officials through the traditional practice of submitting petitions for the redress of grievances. Successful redress depends on the effectiveness of personal contact and the quality of the persons chosen as intermediaries. Outside of Muscat, the Government still reflects the tribal nature of Omani society. Traditional elites dominate the tribal and town councils, which settle intratribal disputes. Final authority, however, is with the walis (governors) who are appointed by the Sultan. In reality, therefore, citizens do not have the right to participate in the political process. In an effort to broaden participation in the Government, the Sultan formed the Consultative Council for the State in 1981. It consists of 55 members drawn from the Government, the business community, and the outlying districts. It includes members of every significant ethnic, geographic, and religious group. At present, the Council's role is an advisory one, limited to the social and economic spheres.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Government of Oman declined to receive a proposed Amnesty International mission in 1972 during the insurgency in Dhofar. Since then, there have been no known requests by international human rights organizations to visit Oman. There are no independent organizations based in the country that monitor human rights violations. Freedom House rates Oman "not free." Amnesty International, in its 1984 report, notes the release of a Bahrain customs officer who had been in prison in Oman since his deportation from Bahrain in 1973. Amnesty International had been following his case for 10 years and reports that no response had been received from Omani authorities to inquiries about him. Oman has played a passive role in the United Nations and regional bodies on issues dealing with human rights.

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Before 1970, the Government of Oman actively discouraged all forms of modernization. Oman was among the poorest countries in the world with a rudimentary economy and virtually no modern infrastructure. With the start of oil exports in 1967, the accession of the present Sultan to power in 1970, and the increase in oil prices in the 1970's, Oman has made remarkable advances in almost every index of development. Since 1970, the Government has devoted a large proportion of its oil revenues to building infrastructure, industrialization, improvement in agriculture and fishing, expansion in communications, and the provision of a full range of social services to the population. The number of hospital beds has jumped from 12 to several thousand, the number of students in schools from a few hundred to 167,000, and the length of paved roads from approximately 10 kilometers to over 3,000. Life expectancy has increased to 52, and programs for the eradication of endemic diseases are widespread. The infant mortality rate is 118 per 1,000 births. Boosted by the inflow of Omanis from overseas and by migrant workers from the Indian subcontinent and East Asia, population growth now stands at 3.9 percent a year.

Many towns and most rural areas still lack reliable supplies of safe water and electricity. The adult literacy rate is still below 50 percent, and many primary age children are not in school. Though per capita gross national product is now over $5,500 a year, for a population estimated at slightly more than 1 million, the benefits of the new prosperity have been by and large centered in the capital area and a few key provincial centers like Salalah. The Government is aware of this imbalance, and has made some effort to redress it. Corruption in some areas has also siphoned off some of the gains from the commonweal, but the Government is taking steps to curtail incidents of corruption.

Though conservative, Oman has not been extreme in its attempts to impose strict adherence to Islamic precepts on women. For example, women have shared in the benefits of social and economic growth of recent years, and schooling for girls is available to the same extent as to boys in urban areas, less so in rural areas. However, for cultural reasons, the educational level of girls still lags behind that of boys. Many urban Omani women drive. A few women have reached high levels in the public sector. By and large, however, occupational advances available to women are limited to the traditional spheres of teaching, secretarial work, and nursing. The gains achieved by a small minority of women are largely irrelevant to the great majority, both in the towns and in the rural areas, whose lives are carried out within the confines of the house and the local marketplace. Lack of adult education facilities means that all but the youngest females in rural areas are illiterate. This lack of education, combined with communal and tribal customs which dictate a subsidiary role for women, makes it virtually impossible for most adult women to participate equally with men in the modern sector in Oman. The expansion of educational facilities for girls will allow for some equalization of the position of women in the future, but the communal and tribal customs will continue to militate against full participation by women for the foreseeable future.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: OMAN

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 15.5 | 15.1 | 15.0 |
| LOANS.............. | 7.5 | 12.5 | 10.0 |
| GRANTS............. | 8.0 | 2.6 | 5.0 |
| A.AID ................. | 15.0 | 15.0 | 15.0 |
| LOANS.............. | 7.5 | 12.5 | 10.0 |
| GRANTS............. | 7.5 | 2.5 | 5.0 |
| (SEC.SUPP.ASSIST.)... | 15.0 | 15.0 | 15.0 |
| B.FOOD FOR PEACE....... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.0 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.5 | 0.1 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.5 | 0.1 | 0.0 |
| PEACE CORPS...... | 0.5 | 0.1 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 30.1 | 30.1 | 40.1 |
| LOANS.............. | 30.0 | 30.0 | 40.0 |
| GRANTS............. | 0.1 | 0.1 | 0.1 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 30.0 | 30.0 | 40.0 |
| C.INTL MIL.ED.TRNG.... | 0.1 | 0.1 | 0.1 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 45.6 | 45.2 | 55.1 |
| LOANS.............. | 37.5 | 42.5 | 50.0 |
| GRANTS............. | 8.1 | 2.7 | 5.1 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 16.8 | 0.0 | 15.0 | 85.0 |
| IBRD | 15.0 | 0.0 | 15.0 | 77.0 |
| IFC | 0.0 | 0.0 | 0.0 | 2.0 |
| IDA | 0.0 | 0.0 | 0.0 | 0.0 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 1.8 | 0.0 | 0.0 | 5.5 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 0.5 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## PAKISTAN

A martial law regime, headed by General Zia ul-Haq who serves as President and Chief Martial Law Administrator, rules Pakistan. The military (and to a lesser degree the civil service and the main religious party) provide most of the active support for the regime. Although nonparty elections have taken place for local government bodies, no elected legislative representation at the provincial or national level exists. The Government has announced national and provincial elections for February and March 1985. A Federal Advisory Council established in 1981 serves primarily as a sounding board for policy decisions by the Government. While restrictions on civil and political rights exist, public and private expressions of opposition to the regime occur.

General Zia has headed the Government of Pakistan since a military coup in July 1977 deposed Prime Minister Bhutto. The coup ended months of disturbances sparked by allegations that Bhutto had rigged the March 1977 national elections. Zia promised new elections within 90 days. Citing security concerns, however, the regime failed to hold those elections and ones subsequently promised for November 1979. Bhutto was hanged in April 1979 for conspiring to murder a political opponent.

The Government banned political parties in 1979. President Zia, in 1981, promulgated the Provisional Constitutional Order (PCO) which formally suspended those parts of the 1973 Constitution dealing with the exercise of certain civil and political rights--already suspended in practice. The order curtailed the independence and responsibilities of the judiciary. Military courts gained the authority to try virtually any crime.

Although Pakistan has made impressive economic strides in recent years, it remains underdeveloped, illiterate, and poor. Social, political, economic, religious, and regional differences have caused turmoil since Pakistan's creation in 1947 and have hindered the development of democratic institutions. Authoritarian regimes have ruled for most of its history, and human rights abuses have been common.

The Soviet invasion of Afghanistan in 1979 compounded Pakistan's internal problems. Pakistan, a leader of international opposition to that invasion, provides refuge for between 2 and 3 million Afghans and suffers an intense campaign of Soviet-inspired propaganda, disinformation, and terrorism. Air raids and rocket and artillery barrages launched from Afghanistan against Pakistani border villages killed some 200 civilians during 1984. Despite this constant pressure, Pakistan has allowed the refugees freedom of movement and employment, and, with major international support, provided generous humanitarian aid.

Human rights trends in 1984 were mixed. The Government increased its use of special military courts to try individuals accused of a range of alleged subversive activities. Critics charge that these courts regularly violate the rights of the accused. Although the Government has not reinstituted formal prepublication censorship, in May it reminded the press of the prohibition on reporting on the activities of banned political parties.

## PAKISTAN

The Government released most of the persons arrested in connection with the Movement for the Restoration of Democracy(MRD) civil disobedience campaign in the fall of 1983. As the country prepared for elections in 1985, a number of prominent politicians were released from detention, though many still faced restrictions on their ability to travel and speak. A national referendum held December 19 asked voters to approve the Government's policy of Islamization and its plans to transfer power to a civilian government. Despite legal sanctions, many opposition politicians boycotted the referendum, which they denounced as unfair. The regime claimed over 62 percent of the electorate participated in the vote, with more than 97 percent voting in favor. According to the terms of the referendum, the Government declared the result as having elected Zia ul-Haq President for an additional five years, and a demonstration of public support for Zia's plans for the country's political future.

Preparations for elections, e.g., updating voter lists and registering new voters, continued as the year ended. The Government, in January 1985, announced that provincial and national elections would take place in February and March, and lifted most legal restrictions on participation by individuals. Martial law will apparently end some time after the newly elected legislature meets.

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

The Government apparently did not instigate any political killings in 1984. Cross-border air raids and artillery attacks by Communist forces based in Afghanistan, and several terrorist bombings presumably committed by Kabul's agents in Pakistan, resulted in about 200 deaths. In August, the Government executed three members of the terrorist Al-Zulfiqar organization convicted by a special military court of killing a policeman.

In October, a group of "bandits," while robbing a bus in rural Sind, disarmed and murdered five Pakistani soldiers. Also that month, police fired upon buses coming from a university near Hyderabad. According to official sources, five individuals--including three university students--died and six were injured. The police claimed that "notorious" bandits had hijacked the buses and opened fire when told to pull over. A number of organizations within the country, including the bar associations of Lahore, Northwest Frontier Province, and Baluchistan, condemned the police action, maintaining that the buses contained only students on their way to a seminar. In November, the Government of Sind Province ordered a judicial inquiry into the incident.

#### b. Disappearance

There were no known disappearances resulting from official actions. Reports indicate that individuals are sometimes held incommunicado and without official notification to their families for extended periods. In one celebrated case, which some foreign critics of the regime initially labeled a "disappearance," military authorities in January arrested attorney Raza Kazim. According to the local press, and apparently in response to the publicity generated by a writ of habeas corpus filed by his wife, in July the Government charged Kazim with "attempting to seduce Army personnel," in effect, treasonous behavior. Other sources indicated, however, that Kazim was not charged until much later.

Kidnapping, usually for ransom, remains common, particularly in the semiautonomous tribal areas and in some of the more remote areas of Sind.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There are frequent and credible allegations of police, paramilitary, and military torture of detainees. In September, over 100 lawyers belonging to the Lahore Bar Association issued a statement charging that systematic torture of prisoners occurred at 5 prisons.

As under previous regimes, policemen and jailers use brutal arrest and interrogation methods. Local press reports indicate that at least six persons died while under police custody in 1984. The Government investigates nearly all publicized allegations of torture. In June, six police officers received prison sentences for their part in torturing to death a suspect in Jhang in 1979. Another officer was suspended in September for torturing persons to obtain a bribe.

Four persons accused of helping the Al-Zulfiqar terrorist organization hijack a Pakistani plane to Kabul and, eventually, Damascus received death sentences. Three had initially received prison sentences, later changed to death sentences on the order of the Governor of Sind. Critics argued that the death penalty was excessive for abetting a hijacking, and that the reversal of the original sentences violated military regulations.

Three classes of prison facilities exist. Class "C" cells, which usually have dirt floors, no furnishings, and poor quality food, generally hold common criminals. The use of handcuffs and fetters is common in "C" cells. Political and foreign prisoners usually receive "B" cells, which provide improved treatment, less-crowded conditions, and better food. Only very prominent individuals receive "A" accommodations, which can include air conditioning and private servants. Thirty-two new air conditioned cells for "political prisoners" were opened in August in Rawalpindi.

Eighteen persons under trial by a special military court for seeking in concert with a foreign power to overthrow the Government are apparently in leg fetters and handcuffs. The superintendent of the Rawalpindi Jail informed the Lahore High Court that such treatment was necessary since the prisoners had received commando training and represented a "serious security hazard." Another 54 prisoners in Kot Lokhput jail in Lahore for subversive activities are also allegedly in fetters.

In 1979, the Government promulgated the Hadood ordinances which prescribed traditional Islamic punishments for theft, adultery, and consumption of alcohol; penalties include flogging, stoning, and amputation. According to reports, public flogging of persons convicted of sexual assault, adultery, drinking alcohol, possession of narcotics, and robbery took place in 1984. A local press report claimed that a woman had been flogged (though not publicly). Because of the very strict Islamic rules of evidence in the ordinance, no stoning or amputation sentences have yet been executed. Tribal councils in remote areas may have imposed stoning sentences not strictly in accordance with Islamic strictures.

In its report Torture in the Eighties, Amnesty International noted that it had received detailed reports indicating frequent torture of prisoners in Pakistan and that prisoners subjected to torture include political party workers, trade unionists, teachers, students, journalists, lawyers, and prisoners held for ordinary criminal offenses. Amnesty received allegations of physical abuse by police from 27 students arrested in demonstrations in Lahore.

### d. Arbitrary Arrest, Detention, or Exile

Martial law regulations authorize detention of up to 90 days for persons who act in a manner prejudicial to the regime. Although legally these detentions can be extended only for up to two years, in practice they are occasionally extended beyond that period. Detainees do not have access to a lawyer, nor may they apply for bail. Civilian courts cannot review decisions of the martial law authorities and habeas corpus petitions have no effect.

Almost all of the thousands of persons seized in connection with the disobedience campaign conducted by the Movement for the Restoration of Democracy in 1983 were released during 1984, including Ghulam Mustapha Jatoi, the head of the Pakistan People's Party (PPP) in Sind, and the Pir of Ranipur, another prominent Sindhi PPP Leader. Mumtaz Bhutto, former Chief Minister of Sind and nephew of the late Prime Minister Bhutto, left the country for medical treatment. Several individuals under various forms of detention for longer periods were also released, including President of the Tehrik-e-Istiqlal Party Air Marshal Asghar Khan, under house arrest since 1979; Benazir Bhutto, daughter of the former Prime Minister and a leader of the PPP, under house arrest since 1981; and Pakistan Democratic Party President Nawabzada Nasrullah Khan, under house arrest since 1981. Few detentions for purely political activities occurred in 1984.

Although no official statistics exist, the current number of detainees is about 300 (compared with some 5,600 at the end of 1983). About 100 of these are being tried by special military courts on various charges of subversion and terrorism. Summary military courts convicted some 250 to 300 individuals connected with anti-regime activities in Sind on various charges. Human rights groups estimate that there are between 500 to 1,500 political prisoners.

Political detainees and prisoners receive visitors on a fairly regular basis. Since last fall, some prominent detainees have been shifted to house arrest (e.g., Vice President Makhdoum of the Sind Branch of the PPP), while others have been periodically transferred to hospitals for medical treatment (e.g., Chairman Rasul Bux Palejo of the Sindhi Awami Tehrik, a leftist party).

### e. Denial of Fair Public Trial

Three judicial systems operate in Pakistan: a civilian judiciary based on Anglo-Saxon law, Shari'a benches operating under Islamic law, and martial tribunals. According to the 1981 Provisional Constitutional Order, the civilian judiciary cannot review actions of the martial law authorities and the military courts. The Government required all Supreme and High Court judges to swear to uphold the Order; thirty-one judges lost their seats for not complying.

The Shari'a benches try offenses under the Hadood ordinances but otherwise operate similarly to ordinary civilian courts. Cases referred to the Shari'a benches are heard by additional and sessions court judges from the civilian court system who, in practice, apply the ordinary criminal procedure code in handling most cases. Defendants in the Shari'a courts can obtain bail and lawyers of their choice; judges and attorneys must be familiar with Islamic law.

The existence of three overlapping judicial systems sometimes leads to the arbitrary assignment of cases to one or the other court. While the military courts can try virtually any crime, and martial authorities can transfer cases from one court to another, the choice as to which system of courts will exercise jurisdiction appears in many cases to rest with local police officials, giving rise to charges of corruption.

Summary military courts do not grant defendants the right of counsel and can dispose of cases in minutes. Although special military courts do not prohibit defense counsel, military judges and prosecutors, often untrained in the law, frequently treat defense attorneys with contempt. In cases of subversion, judges can impose secrecy on the proceedings and expel witnesses and defendants accused of acting in a "subversive" or "dilatory" manner. Military court sentences can be appealed only to the martial law administrators (i.e., the provincial governors), if the sentence is for less than 14 years imprisonment, or to the Chief Martial Law Administrator if the sentence is death, amputation, or more than 14 years imprisonment.

During the year, two major special military court trials received considerable attention in the local press. In one, 54 individuals, imprisoned in Kot Lakhpat jail in Lahore, are accused of membership in the terrorist Al-Zulfiqar organization and of having committed acts of subversion and terrorism. Knowledgeable persons assert that foreign involvement in this case contributes to official reluctance to hold a public trial. Lahore Bar Association members have complained that the defense attorneys in the case have not had adequate access to the prisoners or to documents necessary for the defense and that the defendants have not chosen their own counsel. A special military court in Rawalpindi has been trying 18 prisoners and 24 other individuals in absentia for trying to overthrow the regime. Informed sources indicate that the defendants are accused of receiving terrorist training and funding from a foreign power, presumably Libya. The defendants announced in October that they had instructed their lawyers to withdraw from the case, charging that because of prejudicial statements by President Zia and alleged bias on the part of the court they had "lost confidence in the ability of the court to do justice in this case." The case continues, however, and private attorneys still represent the defendants.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Decisions about occupation, education, place of residence, and family size are made without official interference. While police must obtain a warrant before entering a private home, authorities have ignored this formality during operations in Sind to seize arms and stem "banditry."

Pakistan traditionally has maintained a domestic intelligence service to monitor certain political activists, in addition to tracking terrorists and foreign intelligence agents. Informed persons allege that wiretapping is widely used against opposition politicians.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Freedom of expression is restricted. The press may not print statements by leaders of the "defunct" political parties. Such statements, however, in one form or another, often find their way into the press. Although the regime allows criticism of the bureaucracy, police brutality, official corruption, and policies on numerous issues, the press may not "defame" Islam, the Martial Law Administration, or the President, nor incite "religious or regional tensions." Immediately before the December 19 referendum, the Government issued ordinances which proscribed advocating a referendum boycott. Anyone convicted could go to jail for up to three years, receive heavy fines, and be barred for seven years from national or provincial elective office.

Despite these legal limits to dissent, opposition to the regime is vocal. Numerous politicians, for example, defied the ban on campaigning against the referendum. By year's end, no prosecutions had been brought against them under the new ordinances. Pakistanis are not guarded in their private conversation and appear very willing to criticize the regime.

The Government operates the radio and television stations and strictly controls the news they carry. The official press trust controls four of the larger daily newspapers. The other daily newspapers are privately owned and more critical of official policies. The Government and the enterprises it controls are the largest advertisers and have withdrawn advertising from newspapers considered to have become too critical, thus effectively restricting editorial freedom.

Since the lifting of prepublication censorship in 1982, the press has engaged in a tug-of-war with the Government in an effort to expand the limits of coverage. After a spate of press reports on internal political matters, in May the Government reinstated the ban on reporting statements by opposition politicians, although late in 1984 the press began again to test its limits. The Government banned reporting on a press conference given by Asghar Khan, head of the Tehrik-E-Istiqlal, shortly after his release from house arrest in October.

Although literary and creative works remain generally free from censorship, Pakistani books and magazines dealing with politics are frequently banned. On a sporadic basis, the authorities confiscate such literature. Foreign publications critical of the regime are occasionally seized. No effort has been made to restrict access to foreign broadcasts.

b. Freedom of Peaceful Assembly and Association

President Zia banned political activities in 1979. Only gatherings of a nonpolitical nature--e.g., religious, patriotic, or family events (weddings, funerals)--may take place. The Government has on several occasions issued externment orders, which prohibit a person from entering a province for some time, against officeholders of the Movement for the Restoration of Democracy.

While workers in most jobs may form labor unions, elect collective bargaining agents, and negotiate on wages and working conditions, only seven percent of the work force is unionized. Union activities in the state-run Pakistan International Airlines have been prohibited since 1981. Although strikes and employer lockouts are banned, a number of "go-slows" and other minor labor disputes occur. Formal union affiliation with the "defunct" political parties is banned, but the Government allows unions to maintain relations with international bodies such as the International Labor Organization (ILO) and the International Confederation of Free Trade Unions (ICFTU).

At the 1984 ILO Conference in Geneva, the Committee on the Application of Conventions and Recommendations discussed Pakistan's Essential Services (Maintenance) Act of 1952, which prohibits workers in essential industries from leaving their jobs without government permission. Various workers' and employers' members maintained that this Act violates the ILO Convention on Forced Labor. The Government argued it needed the Act due to a shortage of skilled manpower and the emergency situation created by the influx of refugees. The Committee urged the Government to reexamine its position.

In February, the Government banned the often politicized and volatile student unions. Widespread student demonstrations resulted, some violent. Authorities arrested several hundred students but quickly released most of them.

c. Freedom of Religion

Pakistan is an Islamic republic. Minority religious groups, such as Hindus, Christians, and Parsis do not enjoy the same legal rights as do Muslims. Reports of discrimination against minority groups in the areas of employment and education appear well-founded. Under the 1973 Constitution, members of religious minorities cannot become President or Prime Minister. In general, minority groups can practice their religion openly. Foreign clergy may enter the country to serve congregations but proselytizing Muslims is prohibited. Members of minority religious groups can maintain links with their coreligionists in other countries and undertake travel for religious purposes.

The Ahmadi sect, which considers itself Muslim despite theological differences with traditional Islam, has historically felt oppressed. In 1974, the Bhutto regime, responding to pressure and violence from conservative Muslims who rejected the Ahmadis as fellow Muslims, amended the Constitution to declare the Ahmadis a non-Muslim minority. In April 1984, the Government banned the use of Muslim terminology and proselytizing by the Ahmadis. Authorities in December closed the Ahmadi printing press in Rabwah, and suspended for three months the community's official publications, including a daily newspaper and several periodicals.

Pressure on the Ahmadis to renounce their claim to Islam and sporadic clashes between anti-Ahmadi groups and the Ahmadis continued in 1984. A confrontation in November resulted in the deaths of two persons who apparently sought to deface an Ahmadi house of worship. Ahmadi and anti-Ahmadi conferences were scheduled during December in Rabwah and Chiniot, respectively. When the Government failed to respond to Ahmadi requests for permission to hold their annual convention--expected to draw some 250,000 Ahmadis from around the world--the convention moved to Qadian, India. When the Government denied the anti-Ahmadis permission to use a public park for their meeting, they held it in a mosque. These events demonstrated the Government's reluctance to deal forcefully with anti-Ahmadi agitation.

In October, violent clashes occurred between Muslims of the majority Sunni and the minority Shi'a sects in Karachi, causing hundreds of injuries, extensive property damage, and perhaps as many as 30 deaths. The Government detained 16 of the more radical leaders of the two sects. Nearly 100 rioters were arrested; most were quickly released.

The Government continued its efforts to make Pakistan into an Islamic society. In August, it established a system of Nizam-e-Salaat in which "pious men" in every locality were appointed to encourage all Muslims to pray five times a day. Ordinances established Qazi (Islamic) courts and amended the military service acts to allow courts martial to impose Islamic punishments.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Pakistanis generally have freedom of movement within the country. Opposition politicians are occasionally barred from entering certain provinces. The Government has denied passports to a few politicans. For most Pakistanis, foreign travel is unrestricted; some 3 million work abroad. In general, the right of citizens to return to the country is recognized. High-ranking officials have claimed that even Benazir Bhutto and other members of the opposition Pakistan People's Party now abroad may return to the country.

According to official figures, nearly 3 million Afghans have fled to Pakistan as a result of the Soviet invasion. The Government administers over 300 refugee camps and bears much of the cost of inland transportation of relief goods provided by the various donors. The Government also bears administrative costs for supporting the refugee program and from time to time issues cash payments to the refugees to supplement international donations of food, clothing, and shelter. Although only residents of official refugee villages may draw relief articles, Pakistan has placed few restrictions on travel or employment by Afghans. Given the number of refugees and the strain on resources, remarkably few incidents of violence between them and local residents have occurred.

Over 2,000 Iranians have sought refugee status in Pakistan and the number is reportedly growing. On several occasions, Iranians occupied local U.N. offices to publicize their demands. The authorities do not recognize them as refugees, but allow them to stay.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

A martial law regime headed by an active-duty general has governed Pakistan since July 1977. A lieutenant general holding the titles of governor and martial law administrator governs each of the four provinces. The federal Cabinet consists of 4 active-duty military officers and 19 civilians. The Martial Law Administration disbanded the National Assembly in July 1977; since then Pakistan has not had elected legislative representation at the provincial or national level.

The regime created a 287-member Majlis-e-Shoora, or Federal Advisory Council in 1981. The Government selected the members of the Council to represent the former National Assembly constituencies: the professions, labor, women, and minorities. Since it first convened in January 1982, the Council has met 10 times. Although members criticize certain government actions, the Majlis remains an advisory rather than a legislative body with little effect on specific decisions. As a sounding board, however, it has prompted the Government to justify publicly specific policy decisions.

The regime has permitted some popular participation in local government. In 1979 and in 1983, it conducted nonparty elections through universal suffrage to fill seats for four-year terms in "local bodies" (i.e., local, district, and municipal councils). These bodies represented the first experiment in local government in 15 years.

President Zia reiterated his pledge to hold elections for provincial and national assemblies by March 23, 1985. In January 1985, the Government announced that provincial and national assembly elections would take place in February with Senate elections in March. It remained unclear who would participate in the elections and what powers the provincial and national assemblies would have.

On December 2, Zia announced that a national referendum would be held December 19 to ask voters to accept or reject his plans to turn Pakistan into an Islamic society and to transfer power to an elected Government. A positive vote would confirm Zia as President for another five years from the time the yet-to-be-elected National Assembly first met (March 23, 1985). Prior to the referendum, it had been believed that the National Assembly would elect the President. (The Government has claimed that the referendum was a one-time measure made necessary by the serious security threat the country faces from abroad and from foreign-sponsored terrorism at home.) Despite ordinances providing punishment for advocating a boycott of the referendum, many opposition politicians did so, arguing that it was unfair to link Zia's presidential term to Islamization. Official claims that over 62 percent of eligible voters participated in the referendum, with over 97 percent voting in favor, were doubted by the opposition and most observers.

## PAKISTAN

### Section 4 Government Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

A lack of official information and the limited ability of the press to investigate and criticize makes investigation of human rights abuses difficult. Domestic human rights organizations, however, operate largely free of official harassment. There has been no official retribution against bar associations which have criticized abuses of human rights.

The Government has allowed visits by international human rights organizations, but has not responded to critical reports by Amnesty International, Freedom House, the Lawyers Committee for International Human Rights, and others.

In its 1984 report, Amnesty International expressed concern over several "prisoners of conscience," use of military courts and summary procedures, use of the death penalty and sentences calling for flogging and amputation, and the possible expulsion of refugees to territories where their life or freedom would be threatened. Reports it received claimed that dozens of political prisoners had been detained for over two years without formal charges and that some political prisoners had been tortured or had died while in police custody. Freedom House calls Pakistan "not free."

### ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Although growth in gross domestic product fell from 6.1 percent in 1982/83 to 4.4 percent in 1983/84, continued relative economic prosperity since 1977 has led to a gradual rise in living standards. The percentage of the population living below the absolute poverty line had fallen, as of 1979, to 32 percent in the cities and 29 percent in the rural areas. According to official 1984 estimates, the poorest 20 percent of households earn 7.5 percent of the total income.

Social and economic upward mobility is increasingly possible, particularly as a result of repatriated funds from family members working abroad. Pakistan, with a population of 96 million, faces many problems common to the developing world: an overall adult literacy rate of 20.7 percent (1972 estimate), an infant mortality rate of 125.8 per 1,000, a life expectancy at birth of 51 years for males and 49 years for females; an annual population growth rate of between 2.6 percent and 3.1 percent and a per capita gross national product of $380 dollars as of 1982. Programs for improving living conditions have had mixed results. Substantial disparities between urban and rural life exist. For example, in 1976, 60 percent of urban dwellers had access to potable water compared to only 17 percent in rural areas. According to the World Bank, urban areas have a literacy rate of 40 percent; the countryside, 13.7 percent (1972 estimates).

A key element of the six year (1983-88) plan is a higher level of allocations for social sectors. Priorities for these sectors are reflected in the current year's budget, where projected outlays for education, with emphasis on primary education, are to grow 19.8 percent over last year. Expenditures in support of health services are to increase by 24 percent, with major outlays destined to fund the establishment of basic health centers at the village level and to permit the completion of a national immunization program to reduce the infant mortality rate.

Some believe that corruption has become more widespread over the past decade as large sums of money have entered the country from overseas workers and narcotics trafficking. Socially prominent Pakistanis suffer less at the hands of officialdom than those less well-off, partly because of their ability to return favors or offer inducements to appropriate civil servants and partly because of the general deference still accorded social "betters." Although the original caste distinctions common to South Asian societies are disappearing in Pakistan, clan (Baradari) affiliations, which in some ways parallel the old system, can still help or hinder those seeking education, employment, or justice.

Pakistani society assigns women a subordinate role in terms of civil, political, and individual rights. Many Pakistani Muslims interpret the Koran's injunction on modesty to mean that women should remain in "purdah," either at home or behind the veil. These attitudes have contributed to an adult female literacy rate of only 10.3 percent compared to 29.6 percent for males (1972 estimates). As of 1980, the primary school enrollment ratio was only 27.7 percent for girls as compared to 69.3 percent for boys. The ratio of men to women in secondary educational institutions, according to 1983 Pakistani statistics, was better than five to one. Eight times as many men as women work outside the home, and those women who work or attend school usually do so in separate facilities. Although urban women are represented in the universities, post-graduate employment opportunities remain largely limited to teaching, medical services, and the law, with a small number of women entering the commercial and public sectors. "Islamization" has reversed some of the social gains made by women in past years. Women may not participate in international athletic competition abroad. The Government determines appropriate dress for women appearing on television and in the print media. On October 27, President Zia promulgated the Qanun-I-Shahadat (Law of Evidence) which stipulates that either two men, or one man and two women, attest to instruments dealing with financial or future obligations. There has been public condemnation of the Qanun-I-Shahadat order by the Women's Action Forum, women lawyers' associations, and other activist groups.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: PAKISTAN

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 200.2 | 278.7 | 307.4 |
| LOANS.............. | 81.5 | 114.5 | 122.5 |
| GRANTS............. | 118.7 | 164.2 | 184.9 |
| A.AID ................ | 100.0 | 200.0 | 225.0 |
| LOANS.............. | 34.0 | 67.0 | 75.0 |
| GRANTS............. | 66.0 | 133.0 | 150.0 |
| (SEC.SUPP.ASSIST.)... | 100.0 | 200.0 | 225.0 |
| B.FOOD FOR PEACE....... | 97.5 | 75.8 | 79.0 |
| LOANS.............. | 47.5 | 47.5 | 47.5 |
| GRANTS............. | 50.0 | 28.3 | 31.5 |
| TITLE I-TOTAL.......... | 47.5 | 47.5 | 47.5 |
| REPAY. IN $-LOANS..... | 47.5 | 47.5 | 47.5 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 50.0 | 28.3 | 31.5 |
| E.RELIEF.EC.DEV & WFP. | 50.0 | 28.3 | 31.5 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 2.7 | 2.9 | 3.4 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 2.7 | 2.9 | 3.4 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 2.7 | 2.9 | 3.4 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.6 | 260.8 | 300.8 |
| LOANS.............. | 0.0 | 260.0 | 300.0 |
| GRANTS............. | 0.6 | 0.8 | 0.8 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 260.0 | 300.0 |
| C.INTL MIL.ED.TRNG.... | 0.6 | 0.8 | 0.8 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 200.8 | 539.5 | 608.2 |
| LOANS.............. | 81.5 | 374.5 | 422.5 |
| GRANTS............. | 119.3 | 165.0 | 185.7 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 555.6 | 581.1 | 643.4 | 5361.4 |
| IBRD | 138.5 | 75.2 | 131.5 | 1137.3 |
| IFC | 19.8 | 90.2 | 25.3 | 201.6 |
| IDA | 171.0 | 228.8 | 174.5 | 1977.5 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 213.0 | 180.1 | 312.1 | 1770.6 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 13.3 | 6.8 | 0.0 | 129.3 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 145.1 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## QATAR

Qatar, a small, wealthy Persian Gulf state ruled by an Amir from the Al Thani family, is governed by a 1970 basic law, which institutionalizes the customs and social mores of Qatar's conservative Wahhabi Muslim heritage. These include respect for the sanctity of private property, freedom from arbitrary arrest and imprisonment, and protection against transgressions of Islamic law (the Shari'a). Thus, although the Amir holds nearly absolute power, he must exercise authority with care. While he may, for example, suspend any secular law or countermand any civil court decision, he is unlikely to do so, especially without consulting his council of ministers and the advisory council of notables that assist him in making policy decisions. The Amir is also unlikely to reach any major decision without achieving a consensus within his family.

Qatar's economy is not expanding as rapidly as it did during the seventies and early eighties. The economy is mixed, with the State owning and operating most basic industries and services while retail trade and the construction industry remain in private hands. Its fast developing industrial infrastructure has led to the creation of an expatriate community which now outnumbers the native-born population by a ratio of almost four to one. Limiting the influence and controlling the activities of expatriates is for most Qataris a major national goal. Qatari resentment against expatriates makes them more likely than natives to be the victims of arbitrary police action. It is also difficult for an alien to take legal action against a citizen. The economic downturn of 1983 and early 1984 has in addition led the Government to continue its policy of reducing the number of expatriates. This policy, however, has been carried out with some compassion. Palestinians, for example, have on the whole not been forced to leave unless able to make arrangements to settle elsewhere. Expatriates from South Asia have not been so lucky, and their numbers have dropped noticeably.

In this conservative society, women remain in a subordinate position. Their activities are still bound by a number of social customs and quasi-legal restrictions such as veiling and prohibitions against the issuance of drivers licenses. On the other hand, mandatory schooling for girls and the opening of employment opportunities for women in medicine and education represent a shift in attitudes. So too does the slowly expanding trickle of women allowed to go abroad for university studies.

The human rights situation in Qatar is changing only very slowly. There are many factors against change--not the least being the absence of any credible internal threat to the regime. So long as the Government feels secure, major innovation is likely to occur only as the result of a consensus within the ruling and other leading families.

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, including Freedom from:

#### a. Political Killing

There were no known instances of political killings in 1984.

b. Disappearance

There were no reports of disappearances in 1984.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Although non-European expatriates routinely complain of maltreatment after their arrest by Qatari authorities, the practice does not seem to have official sanction. Torture is not condoned by the authorities and, although the Government does administer most of the corporal punishments prescribed by the Shari'a, it no longer allows physical mutilation. Executions rarely occur. Prison conditions are uncomfortable but adequate. Family members and friends may bring food to supplement the monotonous prison fare as well as small luxuries and mail. There have been private allegations of overcrowded and unsanitary conditions in the women's prison.

d. Arbitrary Arrest, Detention, or Exile

As a general rule, the authorities must charge suspects before a competent court within 48 hours. In most cases involving expatriates, the police have promptly notified the appropriate consular representative. Suspects detained in security cases are generally not afforded their rights. An expatriate arrested in 1983 in a security case has not been formally charged and was still being held under house arrest in late 1984. A Qatari detained in the same case remains incommunicado. Other expatriates arrested in this case have apparently been released, but only after being held for at least one year without being charged.

Involuntary exile remains a rare practice. The last known major instance took place over 10 years ago. It involved the previous deposed Amir, his family, and close supporters. Expatriate offenders are normally deported upon completion of their sentences.

e. Denial of Fair Public Trial

Except for security cases, most disputes are judged before either a civil or Shari'a court. Most commercial litigation involving expatriates takes place before the civil courts. The Shari'a courts administer criminal and family law and may, if one party requests, take jurisdiction in business cases. Although the judiciary is nominally independent, most judges are expatriates holding residence permits granted by the civil authorities and thus hold their positions at the Government's pleasure.

Many expatriates find proceedings in the Shari'a courts bewildering. Only the disputing parties, their relatives and associates, and witnesses are allowed in the courtroom. Lawyers may not play any formal role save that of preparing litigants for their cases. Although non-Arabic speakers are provided with translators, foreigners report being at a considerable disadvantage, especially in cases involving the nonperformance of contracts. Shari'a trials are normally brief. After both parties have stated their cases, and examined witnesses, the judge is likely to deliver a verdict with only a short delay. Criminal cases are normally tried two to three months after suspects are detained.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Traditional attitudes regarding the sanctity of the home provide a great deal of protection against arbitrary intrusions. Except in security cases or emergencies, the police must normally obtain a warrant before searching a residence or business. However, Qatari police are reported to have conducted many warrantless searches of expatriate homes during the summer of 1984 in connection with an armed robbery for which Qataris were eventually charged.

Police routinely monitor the communications of criminal and security suspects. Mail thought to contain either pornography or drugs is also opened as a matter of course.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Although both expatriates and Qataris are free to say what they wish privately, public criticism of the ruling family and its policies is not tolerated. The Government strongly discourages attacks on other Arab governments as well. This policy applies to the electronic media, which are government-owned and controlled, and to the press. The journalistic community, particularly the expatriates, generally avoids pressing against these restrictions because of the risk of having residence permits cancelled.

The authorities routinely screen all video cassettes, audio tapes, books, and periodicals for objectionable political sentiments and pornography.

### b. Freedom of Peaceful Assembly and Association

The Government allows private social, sports, trade, professional, and artistic societies to operate. The activities of these organizations, which must register with the Government, are closely watched.

Government policy does not allow political parties, labor unions, or demonstrations.

### c. Freedom of Religion

Qatar's state religion is Islam, the Koran is its basic constitution, and the Shari'a its legal code. Muslims enjoy certain advantages such as preferential employment. All other faiths are prohibited public worship; they may not organize churches, schools, or associations and may not proselytize. Apostasy from Islam remains a capital crime, although no one has been executed for it in recent memory. The Government does tolerate the private practice of non-Muslim religions, both by allowing parents to raise children in non-Muslim faiths, and by allowing private gatherings in private homes for worship.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on internal travel. Male Qataris travel abroad at will. Females, both Qatari and foreign, usually require the permission of a male guardian or relative to leave the country. All Qatari citizens have the right to return. Foreigners are subject to immigration restrictions designed to control the local labor pool. They require a local sponsor to enter and their sponsor's permission to depart.

The Government has no formal policy on refugees. Those attempting to enter illegally, including defectors from nearby countries, are denied entry. Often refugees who can get local sponsorship or employment may enter. If they lose their jobs, however, they are expected to leave. The Government has apparently been willing to relax its rules in order to help Palestinians unable to find refuge elsewhere.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Qatar's political institutions blend the characteristics of a traditional Bedouin tribal state and of a modern bureaucracy. There are no political parties, elections, or organized opposition to the Government, and the Amir exercises all executive and legislative powers. His autocratic rule, however, is checked to some extent by entrenched local customs. Interlocking family networks and the recognized right of citizens to submit appeals or petitions personally to their Amir provide effective, if informal, avenues for redress of grievances and also serve to limit abuses. The custom of rule by consensus leads to extensive consultations between the Amir, leading merchants, religious leaders, and other notables on important policies. Women for the most part play no role in public life.

Under Qatar's Basic Law of 1970, the Amir must be chosen from among and by the adult males of the Al Thani family. The current Amir, Khalifa bin Hamad, has designated his son Hamad as heir apparent. This took place with the consent of the notables and religious leaders according to established custom. There are no serious challenges to this arrangement, and in the foreseeable future effective political power will remain in the hands of the Amir, his family, and the local notables.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

No major international or non-governmental organization monitoring human rights abuses has asked to investigate conditions in Qatar. Amnesty International's 1984 report did not include Qatar among the countries surveyed. Freedom House calls Qatar "partly free." The Qatari Government has expressed concern over the plight of Palestinian, Lebanese, and Afghan refugees.

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Qatar's population is estimated to be 291,000 and to be growing at an annual rate of about 3.4 percent. The per capita gross national product is around $22,000 (1982). Life expectancy at birth, according to the World Bank, is 68 years. The 1984 infant mortality rate was 43 per 1,000. Virtually all the population has access to safe water. Education is free for citizens through graduate school; most of the large expatriate communities have their own schools.

## QATAR

Oil revenues have enabled the Government to develop an extensive network of social services. Health care is provided free to all residents. Staple foods such as flour, milk, and rice are subsidized; prices of other items are regulated. Citizens receive subsidized housing and scholarships for higher study abroad. Most Qatari males, and all heads of families, are guaranteed a reasonable income either through government employment or social security payments.

Women remain largely relegated to roles as mothers and homemakers but are now finding jobs in education, medicine, and the news media. They continue to face widespread discrimination, however. For example, women do not regularly receive the overseas university scholarships available for males, and their employment, while tolerated, is discouraged beyond such fields as nursing, teaching, and home economics. Public life is a male sphere. Expatriate women find it easier to get jobs or to own and manage a business than their Qatari counterparts. There are signs that as more Qatari women receive education, they will press for a relaxation of some of the restrictions from their country's tribal past.

## SAUDI ARABIA

Saudi Arabia is a traditional, Arab, and Islamic monarchy ruled by the sons of its founder, the late King Abd al Aziz (known in the West as "Ibn Saud"). There is no written national constitution, although the King has spoken again this year of his intention to institute some basic juridical reforms and to establish a consultative council in the near future.

Islamic Shari'a law, drawn from the Koran and the words and deeds of the prophet Mohammed, is held to be the basis of the system of justice. Trials are normally held without counsel, though the advice of Islamic lawyers is available. Trials are generally closed but reportedly fair. The independence of the judiciary is ensured by law and respected in practice. Some punishments meted out under Shari'a law would be deemed inhuman or degrading by international standards. In recent years Shari'a-based judicial law has been supplemented with a growing body of administrative law governing commerce, labor, taxation, government organizations, and other matters involving society and technology not foreseen by Shari'a law. This new body of law is embodied in royal decrees, is consonant with Shari'a principles, and is administered by specifically created tribunals.

By convention, the King is chosen from among the sons of Abd al Aziz, who themselves have preponderant influence in the choice. Senior religious scholars and other princes also have a voice. The King serves concurrently as Prime Minster. Officials from the highest levels on down maintain contact with citizens by holding open-door audiences regularly. There are no elected assemblies or political parties, and nonreligious public assembly and demonstrations are not permitted. The legitimacy of the regime rests upon its perceived adherence to the defense of Islam, particularly the austere Hanbali school of Islamic jurisprudence. Rulers and ruled share a respect for laws believed to be divinely inspired and ancient customs which call for authority based on consensus in government, internal social cohesion, and economic private enterprise. Social custom mandates separation of the sexes.

During the past 30 years massive oil revenues have transformed Saudi Arabia's centuries-old pastoral, agricultural, and commercial economy. This tranformation has been marked by rapid urbanization (with absolute decline in rural population), large-scale infrastructure development, government subsidies to entrepreneurs and consumers, the emergence of a technocratic middle class, and the presence of approximately 3 million expatriate workers. Economic activity and resources (except oil) have largely remained in private hands. There are no trade unions, and strikes are banned. The Government's efforts to curb unwelcome foreign influences and to reduce the inevitable tensions between modernization and tradition also result in limitations on human rights in Saudi Arabia.

No major new developments affected human rights during 1984. Due to unsettled conditions in the Middle East, the Iran-Iraq war, the continued hostility of the Khomeini regime to Saudi Arabia, the lingering memory of anti-regime disturbances in 1979-80, and the 1983 bombings in Kuwait, the authorities remain deeply concerned about internal security. Regulations issued by the Interior Ministry in 1983 to eliminate lengthy pretrial detentions or detentions without charge have not been vigorously applied. On the other hand, the Board of Grievances, an independent judicial body empowered to investigate citizens' complaints against official abuse, has used new authority granted to it in 1983 and is becoming an increasingly effective avenue of redress for citizens and private corporations against state institutions, public sector companies, and Government officials accused of malfeasance, nonfeasance, bias, or corruption. The Interior Ministry investigated reports that surfaced in 1983 alleging that expatriate prisoners had been subjected to beatings, sleep deprivation, and high frequency noise in order to extract confessions. In cases where the reports were found accurate, the Government took disciplinary action.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

### a. Political Killing

Political killings are unknown.

### b. Disappearances

Disappearances at the hands of official agents are unknown.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Government policy prohibits torture. There have been a few reports in 1984 of police beatings (including bastinado) of prisoners to elicit confessions, which in the absence of witnesses are usually required for conviction in Shari'a courts. The paucity of specific reports suggests that such beatings are rare. Prison conditions are apparently not unusually harsh or intentionally degrading.

In accordance with Shari'a law Saudi Arabia imposes capital punishment for the crimes of premeditated murder, adultery, apostasy from Islam, and, depending upon the circumstances, rape and armed robbery. The Interior Minister and Cassation Courts review all cases in which capital punishment has been imposed. Beheading is the usual method of execution, although execution by firing squad or stoning may be imposed for adultery. Severe social disapproval discourages adultery and the rigorous requirement of either confession or testimony by four eyewitnesses renders conviction for adultery exceedingly rare. Absent extenuating circumstances, a recidivist thief suffers severance of a hand. For less severe crimes, such as drunkenness, or publicly infringing Islamic precepts, flogging with a cane is often imposed. Public flogging is intended to humiliate the criminal and serve as a deterrent to others. The flogger uses only the lower arm to wield the cane and the prisoner remains clothed. The skin is not to be broken, but floggings are painful and leave welts. In its report Torture in the Eighties, Amnesty International expressed concern about allegations of incommunicado detention, solitary confinement, and torture.

### d. Arbitrary Arrests, Detention, or Exile

There have been no reports of arbitrary arrest and imprisonment in 1984. There is no automatic procedure for contacting a detainee's family, employer, or consular representative. If asked, however, the police will almost always confirm an arrest. Shari'a law makes no provision for bail or habeas corpus. Prisoners may be held for months or even years while an investigation proceeds before being either charged or released. Police authorities frequently deny consular access during the investigative phase. It is impossible to estimate accurately the number of individuals affected. New regulations issued by the Interior Ministry in 1983 to correct this situation have not proven effective. In September, 1984, the Under Secretary of Interior, speaking in an inter-Arab seminar in Riyadh on temporary detention, stressed the importance of charging or releasing detainees promptly. The practical impact of this pronouncement cannot yet be assessed. Forced labor and exile as a form of punishment are unknown.

### e. Denial of Fair Public Trial

The judicial system is founded upon the Shari'a. The Shari'a courts exercise jurisdiction over common criminal cases and civil suits regarding marriage, divorce, child custody, and inheritance of real or personal property. In the Shari'a court the defendant appears before a judge, who determines guilt or innocence and, if warranted, imposes the appropriate punishment. Appeals against judges' decisions are automatically reviewed by the Justice Ministry or, in more serious cases, by the Supreme Judicial Council to insure that court procedure was correct and that the judge applied appropriate Shari'a principles and punishments. Counsel is not permitted in the court itself, but lawyers may act as interpreters for those unfamiliar with Arabic. In practice, there is no consular access to expatriates' trials in Riyadh or in the Eastern Province, but consular officers may be admitted elsewhere. Qualified foreign observers have been impressed with the fairness towards defendants exhibited by Shari'a court judges. The Justice Ministry is responsible for the appointment, transfer, and promotion of judges. Judges may be disciplined or removed only by the Supreme Judicial Council, an independent body of very senior jurists. The Supreme Judicial Council has investigated and removed corrupt judges so that they might be prosecuted and jailed.

Specialized labor and commercial courts decide cases on the basis of decrees issued by the Council of Ministers and regulations issued pursuant to those decrees. The military justice system has jurisdiction over uniformed personnel and civilian government employees charged with violations of military regulations. Decisions of courts martial are reviewed by the Minister of Defense and Aviation and by the King. The Board of Grievances arbitrates claims against the State. The President and Vice President of the Board are experienced jurists. They are aided by board members expert in administrative, contract, corruption, civil service, and forgery legislation. The President is responsible directly to the King, and the 11 members of the board are guaranteed considerable independence. The Board has vigorously wielded new powers, granted by a 1983 decree, to call erring officials to account. No reports of prisoners formally sentenced for political offenses have been received. The method of detention for a few weeks or months followed by a warning and release has reportedly been used to intimidate the few Saudis who have publicly criticized the regime.

## SAUDI ARABIA

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Among the most fundamental of Islamic precepts are the sanctity of family life and the inviolability of the home. The police generally must demonstrate reasonable cause and obtain permission from the provincial governor before searching a private home, but warrants are not required. Wiretapping and mail surveillance can be carried out against suspected officials and political activists on the authority of officials of the Interior Ministry or the Directorate of Intelligence. A wide network of informants is believed to be employed.

Some social norms and strictures affecting personal life are matters of law and are enforced by the Government. Saudi women may not marry non-Saudis without government permission. Saudi men must seek approval to marry women from countries other than the six members of the Gulf Cooperation Council. During Ramadan, the prohibition against public eating, drinking, or smoking during daylight hours is enforced on Muslims and non-Muslims alike. Prohibitions against alcohol and pornography are strictly enforced. Members of the officially supported Society for the Promotion of Virtue and the Suppression of Vice patrol the streets and markets to assure Islamic decorum in dress and demeanor, and the closing of shops during the daily prayer periods.

## Section 2 Respect for Civil and Political Rights

### a. Freedom of Speech and Press

Criticism of Islam and the ruling family is not allowed. The potential presence of informers renders open criticism of the regime rare except among trusted friends. Otherwise, Saudis are free to speak their minds and to complain to and about government officials.

The press is privately owned. It is effectively controlled by both the 1982 media policy statement and the firm understanding that nothing embarrassing to the Government, ruling family, or religious leadership may be published. The media policy statement enjoins the press to uphold Islam, oppose atheism, promote Arab interests, preserve the cultural heritage of Saudi Arabia, and combat human rights violations. Guidelines issued by the Information Ministry instruct the press on the position to take on controversial political issues. Editors are appointed with the approval of the Information Minister and he may have them removed. One editor was removed in 1984 for publishing articles deemed not consonant with the national interest.

Saudi television and radio are state owned and operated. Their basic aim is to project and gain public support for official policies and views, with the corollary that conflicting viewpoints are not presented. Increasingly, foreign news is presented objectively, as, for example, in television coverage of the recent Israeli elections. Foreign publications circulate, but are rigorously censored for materials deemed immoral or critical of Saudi policies and actions.

Academic freedom is constrained by similar guidelines; the study of Freud and Marx, for example, is taboo. Professors commonly believe that classroom comments which would be taken as anti-regime will be reported to the authorities.

### b. Freedom of Peaceful Assembly and Association

Assembly as a means of political expression or to present grievances is prohibited. Tribal, familial, and economic interest groups informally aggregate public opinion, which their leaders express to high officials. Nonpolitical clubs and professional groups may be organized with the permission of the authorities. The few existing professional bodies are permitted but not encouraged to maintain contacts with their recognized international counterparts. Labor unions are not sanctioned and none is known to exist.

### c. Freedom of Religion

Islam is the official religion. All Saudis must be Muslim. Apostasy is a crime, and proselytizing by non-Muslims is prohibited. The Saudis scrupulously uphold the Islamic injunction that all Muslims have a responsibility to make a pilgrimage, or Hajj, to Makkah, and all Muslims are welcome to visit the holy places. Political activities by pilgrims are banned.

The Shi'a Muslims of the Eastern Province, usually estimated at 600,000 persons, constitute a religious minority subject to social and economic discrimination. In the wake of the Iranian Revolution they have been periodically subject to surveillance, arrest, temporary detention, and limitations on travel abroad. For security reasons, the Government does not permit Shi'a public processions to mark Ashura, the holiest of the exclusively Shi'a holidays. Shi'ites are free to adjudicate exclusively inter-Shi'a disputes within the bounds of their own legal tradition, but Shi'a judges receive no stipend or salary from the Government. Likewise, the Government provides no financial support for the Shi'a religious establishment and does not permit the construction of Shi'a mosques. In recent years the authorities have made efforts to redress the Shi'ites' complaints about the economic underdevelopment of their areas. Nevertheless, most Shi'ites continue to live under conditions notably poorer than do their Sunni compatriots.

Non-Muslim religious services are illegal. Expatriates practice their religions only in discreet, private gatherings. Large gatherings or elaborate organizational structures may attract official attention and lead to deportation of leaders, as occurred to one group in 1984.

### d. Freedom of Movement Within the Country, Foreign Travel, Immigration, and Repatriation

Saudis may travel freely anywhere within the country. Passports are issued by the Interior Ministry. Male Saudis may travel abroad freely. Females must obtain prior permission from their closest male relative before leaving the country. The passports of suspected subversives have occasionally been seized. Shi'ites who travel to Iran may be subject to interrogation upon their return. Shi'ites known to have pro-Khomeini sympathies may not be allowed to travel abroad. Saudis are permitted to emigrate and assume foreign nationality. This results in the loss of Saudi nationality. Citizenship is not revoked for political reasons.

## SAUDI ARABIA

There is no formal policy regarding refugees or political asylum. Refugees and displaced persons are in most cases dealt with like all other foreign workers. Anyone seeking residence in the Kingdom, except Yemenis, must meet strictly enforced requirements of sponsorship and employment. There are over 250,000 foreigners in Saudi Arabia who fled their native countries because of persecution, political violence, civil strife, or foreign invasion. The largest groups are Palestinians, Lebanese, Eritreans, Afghans, and South Yemenis. For the most part these individuals receive no special treatment, privileges, or services. However, some Eritreans are allowed to remain without specific sponsorship. There have been no reports of forced repatriation of persons who are in effect refugees. There are no known Saudi refugees outside of the country.

Foreigners living in Saudi Arabia, except for Yemenis, are required to carry identification cards. They are not permitted to travel outside of the city of their employment or to change their work place without the permission of their sponsor. They are likewise not permitted to travel outside the country without their sponsor's permission since sponsors hold expatriate employees' passports and are responsible for obtaining exit visas for them. Foreigners involved in commercial disputes or criminal investigations are usually not allowed to leave the country until the problem has been resolved.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The King rules the country in matters secular and religious, within limits established by religious law, tradition, and the need to maintain consensus among the ruling family and religious leaders. The King's legitimacy is based upon his descent, his selection by consensus, his adherence to the tenets of Islam, and his concern for the welfare of the nation. With the consent of other senior princes, the King, who is also the Prime Minister, appoints the Crown Prince, who is the First Deputy Prime Minister. All other ministers are appointed by the King. They, in turn, appoint subordinate officials with cabinet concurrence. There are no elected officials in Saudi Arabia. Likewise, political parties are not permitted, and there are no known organized opposition groups.

Traditionally, public opinion has been expressed through client-patron relationships, and interest groups such as tribes, families, and professional hierarchies. The open-door audience (majlis) remains the primary forum for expression of opinion or grievance. The King meets on a weekly basis with religious leaders.

This informal consultative means of ascertaining public opinion has limitations. Participation by women and Shi'ites in the process is severely restricted. Rural urban migration has weakened tribal and familial links. Citizens are not directly able to change policies or officials through the majlis system, which is largely a forum in which grievances are aired and favors sought. As governmental functions have become increasingly complex, time-consuming, and centralized in Riyadh, direct access to senior officials has decreased. The creation of a national consultative council to augment traditional means of consultation between rulers and ruled has been under consideration for many years. No steps toward its implementation were taken in 1984.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

No international or non-governmental organizations sought to investigate alleged violations of human rights during the past year. There are no human rights groups in Saudi Arabia. In international forums, Saudi representatives regularly protest violations of the human rights of Palestinians, Afghans, Eritreans, and Muslim minorities in several countries.

In its 1984 report, Amnesty International expressed concern about the reported detention of possible prisoners of conscience, incommunicado detention, allegations of torture and ill treatment of detainees, and the use of amputations, floggings, and the death penalty. Freedom House rates Saudi Arabia as "not free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION:

Vast petroleum revenues have permitted the Government to improve the living standards of most Saudis, whose annual per capita gross domestic product is estimated by Saudi Government sources at $12,266. According to the World Bank (IBRD), per capita gross national product in 1982 was $16,000. The Government has promoted public welfare through massive development projects, consumer subsidies, and concessions to entrepreneurs. Health care and education through the university level are available to all Saudis without cost. Building lots and interest-free housing loans are easily available. The economy is still adjusting to the fall in national income caused by declining oil prices and production in the past two years. The Government has used its huge foreign reserves to complete major infrastructure projects while promoting private agricultural and industrial development and maintaining consumer purchasing power through subsidized loans and welfare payments.

The Islamic Development Bank (IDB) estimated Saudi Arabia's population at 9,680,000 in 1983. The IBRD gives a figure of 10,443,000 for the same year and 10,794,000 for 1984. Both IBRD and IDB estimates include the approximately 3 million expatriates. The IBRD puts life expectancy at birth at 56.4 years and the population growth rate at 3.3 percent for 1984. The IDB states that the population grew at an annual rate of 4.5 percent between 1970 and 1981. According to IBRD figures 72 percent of the population had access to safe water in 1976, and calorie intake was 108.4 percent of the total requirements in 1977.

The development of a modern education system is a major government objective. Appropriations made for education in the current budget amounted to 10.7 percent of the total, against 10.2 percent last year. Over the past year 880 schools and colleges were opened, raising the total to approximately 10,000. During the same period the number of students enrolled at all levels rose by 7.6 percent, and the number of teachers increased by 9.5 percent. In recent years primary schools have been constructed in even the most remote villages and a massive expansion of the university system was begun in the late 1970's, with the objective of accommodating all undergraduate applicants within the country. Literacy among adult Saudis has risen rapidly. According to IBRD statistics for 1980, 25 percent of the adult population (35 percent of men and 12 percent of women) are literate. Statistics published by the IBRD indicate that approximately 61 percent of Saudi children (70 percent of boys and 52 percent of girls) are enrolled in primary schools.

Despite these efforts, poverty has not been eliminated. Some of the remaining Bedouin prefer a traditional lifestyle and only selectively take advantage of available opportunities to improve their standard of living. Other Saudis have limited opportunities to improve their economic position due to lack of education or government inefficiency. In the cities, poor Saudis are likely to have recently migrated from rural areas. In the rural areas, the poor are mostly small farmers in provinces where government resources have not yet been so generously applied to infrastructure development as in the cities. The Bedouin, who comprise perhaps five to seven percent of the population, cling to a nomadic way of life which frequently precludes the accumulation of substantial wealth.

Due to orthodox religious beliefs and traditional social practices women do not enjoy equality with men. By Koranic precept, a daughter's share of an inheritance is less than that of a male offspring. Women are obliged to demonstrate legally specified grounds for divorce, whereas men may divorce their wives without such grounds. In Shari'a Court the testimony of one man equates to that of two women. Women may not drive motor vehicles, and there are restrictions on their use of public facilities when men are present. They do not by custom travel alone. They are restricted to reserved women's sections on urban buses. Women may travel abroad only with the written permission of their nearest male relative. Women are not permitted to work alongside men. In practice their employment is largely restricted to the teaching and health care professions. In public women are required to dress with extreme modesty and to avoid ostentatious clothing or jewelry.

In recent years the share of allocated funds devoted to women's education has been proportionally greater than the number of women students. Free but segregated education through the university level is now available to Saudi women locally. The number of Civil Service jobs available to women (in segregated offices) has increased somewhat. Polygamy is becoming less common, particularly among younger Saudis.

The large expatriate work force does not, for the most part, receive the same economic and social benefits available to native Saudis and must abide by considerable restrictions on its lifestyle. The poorest of these expatriates, almost 2 million Yemenis, Africans, and Asians, live under conditions significantly worse than those of the Saudi urban classes. Labor Ministry inspectors and the labor courts seek with considerable success to enforce a generous labor code which regulates hours and working conditions, but not wages. Some foreign workers, particularly those in unskilled positions such as housemaids, are exploited due to their ignorance of the labor code, inability to understand Arabic, and/or lack of written contracts.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: SAUDI ARABIA

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.AID ................. | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.0 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 1.6 | 1.2 | 0.0 | 29.9 |
| IBRD | 0.0 | 0.0 | 0.0 | 0.0 |
| IFC | 0.0 | 0.0 | 0.0 | 0.0 |
| IDA | 0.0 | 0.0 | 0.0 | 0.0 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 1.6 | 1.2 | 0.0 | 27.4 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 2.5 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## SRI LANKA

Sri Lanka, an island republic situated off the southern tip of India, has suffered from deep communal divisions which have adversely affected human rights and which in 1984 flared again into incidents of extreme violence. Since independence in 1948, Sri Lanka has had a democratic system of government featuring universal adult suffrage, the rule of law, and an independent judiciary. The present Constitution, which came into force in 1978, guarantees the fundamental rights of all citizens and permits citizens who believe those rights have been violated to petition the Supreme Court for redress.

In 1977, the United National Party (UNP) headed by J. R. Jayewardene won an overwhelming victory and Jayewardene became Prime Minister. Under the new Constitution, featuring an executive president independent of Parliament, Jayewardene became President and in 1982 was elected to a six-year term. In 1982 a controversial referendum was approved extending until 1989 the term of the Parliament elected in 1977.

The people are an ethnic and religious mixture: 74 percent are Sinhalese, mostly Buddhists; 18 percent are Tamils, predominantly Hindu; 7 percent are Muslims of varying ethnic origin; and the remaining 1 percent are the descendants of European colonists, Malays, and others. Two thirds of the Tamils are Sri Lankan Tamils whose presence on the island dates back many centuries. The rest are so-called Indian Tamils, whose forebears were brought from India in the 19th century to work on the country's tea plantations. Many Indian Tamils are classified as "stateless."

Some Sri Lankan Tamils are pressing for the creation of a separate Tamil state, "Tamil Eelam." Most Sinhalese, Muslims, and Indian Tamils oppose this objective of dividing the country. Representatives elected by Sri Lankan Tamils in Tamil-majority areas call for an independent state, but also have negotiated with the Government over proposals which would permit Tamils in those areas to have more control over their local affairs. Although the larger part of all Sri Lankan Tamils live outside Tamil-majority areas, some of these also support the separatist goal.

Since the mid-1970's young Tamil militants have engaged in acts of terrorism. They claim that peaceful political means have failed to achieve autonomy or to satisfy other Tamil demands concerning language, education, employment, and fair treatment under the law and by security forces. Loosely organized into several groups, some of which pursue intense rivalries with one another, the terrorists are generally referred to as "Tamil Tigers." The Government claims that these groups receive substantial financial assistance from expatriate Tamils and that many terrorists have received paramilitary training and arms abroad, particularly in India's state of Tamil Nadu.

In 1984 the conflict between the "Tigers" and the security forces in the North and East escalated significantly. The Government responded to attacks against security forces in the North, which had resulted in considerable damage and loss of life. It established a "surveillance zone" around the northern coastline to prevent the alleged flow of arms and terrorists from India.

## SRI LANKA

The great majority of Sri Lanka's security forces is Sinhalese. About 5.5 percent of policemen and 10 percent of police officers are Tamils, including some in senior positions. The representation of Tamils in the armed forces is smaller. All military training is in the Sinhala or English languages.

The 1979 Prevention of Terrorism Act gives the Government special powers, including the right to make arrests without warrants and to extend detention, which the Government asserts it needs to expedite investigation of terrorist incidents. Critics, such as the International Commission of Jurists, regard the Act as a threat to human rights. In 1982 the Act became a formal, permanent part of the law. In 1983, following local elections and parliamentary by-elections, the Government declared a state of emergency to deal with anticipated violence such as that which had occurred after previous elections. Parliament overwhelmingly approved and has almost unanimously renewed the state of emergency every month since then. In September 1984, the Government relaxed certain provisions of the emergency regulations in Sinhalese-majority areas to permit campaigning in two parliamentary by-elections in October.

Persistent terrorism by Tamil separatists has provided the Government with its rationale for continuing the state of emergency. In one period alone of separatist violence in 1984, August 16 to September 16, there were, according to government figures, 86 incidents of terrorism directed at government- and privately-owned vehicles, banks, and factories, government offices, police stations, and security forces, resulting in the deaths of nine soldiers and civilians. Some Tamils described these attacks as retaliation for illegal police and military attacks on innocent members of the Tamil community. The Government acknowledged that on at least one occasion in 1984 security forces acted against civilians in response to terrorist attacks.

The Government also took steps to ease the communal tensions which flared in 1983. In January it called the All-Party Conference (APC) to discuss the communal problem and invited all political parties, including the Tamil United Liberation Front (TULF), and representatives of every religious and ethnic community. The Sri Lanka Freedom Party, the most significant Sinhalese-based opposition party, attended early sessions of the APC reluctantly, then withdrew.

In September, the President enunciated what he described as "points of consensus" reached by the Conference. At the APC's December 14 meeting he announced the Government would embody these ideas in legislative proposals. Although the proposals as presented fell short of the demands of some Tamils for regional autonomy and devolution of government powers to Tamil-majority areas, Tamil leaders continued to participate in the APC. But by year's end, the TULF had rejected the proposals and the President withdrew them. TULF discussions with the Government appeared to have ceased. It was unclear whether talks would resume in 1985.

# SRI LANKA

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

The death toll from "Tamil Tiger" terrorist attacks increased substantially in 1984. They are believed to have killed 63 policemen of whom 11 were Tamils, 29 military personnel, and 4 government officials. The Government says that 281 civilians, including 179 Tamils, were killed by Tamil terrorists in 1984.

In 1984 security forces at times retaliated indiscriminately against the civilian population in the North and East in reaction to terrorist attacks on the armed forces. Most victims of such attacks were Tamils, but some Sinhalese and Muslims also were killed. On March 28, at least 7 civilians were killed and as many as 24 injured at Chunnakam on the Jaffna Peninsula. The victims, the Government asserts, were caught in crossfire when Air Force personnel and terrorists clashed. Citizens of Jaffna, however, charge that the Air Force men were not attacked but fired at random on unarmed civilians in retaliation for the terrorist killings of two of their fellow airmen earlier. Following a clash between Navy personnel and terrorists near Velvettiturai on August 4, soldiers reportedly attacked the town and, according to the local citizens' committee, burned 130 houses, 40 shops, 4 cars, and a number of fishing boats. The Government stated that the fishing boats were damaged but denies the other charges. The Government also acknowledged that on August 11 at Mannar, following the killing by a land mine of 6 security personnel, security forces burned up to 100 shops, mostly owned by Muslims. It has agreed to pay compensation. Foreign journalists witnessed troops setting fire to buildings in Achchuvely in Jaffna district on August 25, following the detonation of a land mine by terrorists. There are credible reports that police were responsible for burning the Hartley College Library in Point Pedro. The Government has not acknowledged police responsibility but reportedly agreed to rebuild the library.

On December 4, a landmine explosion destroyed an Army vehicle in Mannar district, killing 1 soldier and injuring 6 others. According to credible reports, other soldiers then went on a rampage of retaliation, attacking two buses and a nearby post office as well as individual bystanders for several miles along the road. The reports state that more than 100 people, mostly Tamils but also including Muslims and Sinhalese, were killed.

The Government has maintained that some loss of life and property damage is the inevitable consequence of efforts to combat terrorism. The Government also holds that the terrorists purposely seek to provoke firing by security forces in crowded public areas to increase popular resentment against those forces. The Government has been reluctant to discipline the members of the security forces allegedly responsible for illegal acts during the July 1983 communal violence and since. The Government has "discharged with ignominy" 149 Army and Navy personnel who were involved in the killing of several civilians and the burning of over 100 homes and shops in Trincomalee and the killing of 51 civilians in Jaffna in July 1983. The Government says it has investigated all complaints of alleged Army involvement in the July 1983 disturbances but that the evidence was inadequate to sustain indictments, noting however that the Army, acting under its own disciplinary rules, has so far dismissed 65 of its personnel. Critics charge that there is ample evidence to bring charges against some police and military personnel, and that the Government's failure to prosecute shows that the security forces may attack Tamils with impunity. Although no action has been taken against security force personnel alleged to have retaliated against civilians in 1984, investigations reportedly remain under way.

In May, it was reported that a Tamil youth being held for questioning died in custody. There were at least eight other known instances in 1984 when ordinary criminals (as distinguished from those suspected or convicted under the Prevention of Terrorism Act) died in police custody. In the past, a magisterial inquiry sometimes has resulted in investigations of police conduct, but no police official is known to have been convicted.

In June the Government altered controversial emergency regulations which had allowed disposition without post mortem or inquests of the bodies of persons killed by security forces. In cases where a person has died in events involving the security forces, someone of the rank of high court judge now will conduct an inquest and report his findings to the Attorney General who will determine if an indictable offense has been committed. If such a determination is made the ordinary law will take its course. There have been no indications that the new procedures have been used.

### b. Disappearance

There are unconfirmed but credible allegations of disappearances of Tamils in the Jaffna area, with some Tamils claiming that their family members were taken away by security forces and neither seen nor heard from again. Other Tamils who disappeared were later found to have been killed by Tamil separatists in "lamp post" executions. Notes often are found on the bodies of such victims charging that they were informants of the Government. There also have been many Tamils, especially young men claiming to fear both the security forces and the terrorists, who have fled abroad to India, Southeast Asia, and the West.

The wife of a Sri Lankan Freedom Party organizer, a Sinhalese, charged that her husband was assaulted and arrested by armed policemen on July 27, 1983. She began habeas corpus proceedings and on September 1, 1983, the Court of Appeal ordered police to produce the husband. The police denied that he was taken into custody. The Court then directed the Chief Magistrate of Colombo to inquire into the wife's allegations. Hearings in this case were concluded on June 28; the Chief Magistrate's report of his findings was sent to the Court of Appeal but has not been made public.

On May 10, a U.S. citizen contract employee for a project financed by the U.S. Agency for International Development and his wife were kidnapped in Jaffna by the Eelam People's Revolutionary Liberation Front, a Tamil separatist group, which in ransom notes charged that the couple were CIA agents and demanded 2 million dollars and the release of 20 detainees. Although these conditions were not met, the two were released unharmed on May 15.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution guarantees that "no person shall be subjected to torture or cruel, inhuman, or degrading treatment or punishment." Nonetheless, there have been persistent reports of torture or ill-treatment by military and police of persons detained under the Prevention of Terrorism Act. In its report Torture in the Eighties, Amnesty International noted that torture has been a longstanding concern in Sri Lanka under both the present and previous administrations, and Freedom House also has noted allegations of torture there. Most of those allegedly subjected to such treatment have been young Tamil males in the North and East who are suspected of ties with the "Tigers." Incidents do occur elsewhere, however. Two men suspected of kidnapping and murdering a schoolboy could not appear before a magistrate in April because they had been hospitalized following injuries received in "an incident" while in police custody. Both had broken left arms.

Prison conditions in Sri Lanka are not good; many prisons are old and overcrowded. One remand prison, designed for 600 inmates, reportedly contains 6,000. The Government has announced plans to build new prisons.

### d. Arbitrary Arrest, Detention, or Exile

The Constitution stipulates that no person "shall be arrested except according to procedure established by law" and that an arrested person must be informed of the reason for his arrest. Within 24 hours an arrested person is brought before a magistrate who may authorize bail or, for serious crimes, continued detention. A suspect may be detained up to three months without bail, or longer if a court so rules. In one case in 1984 the Supreme Court ruled that the fundamental rights of a murder suspect were violated when he was arrested and held incommunicado for five days before being presented before a magistrate. There have been allegations that police and security forces, unable to find suspects, have arrested and held family members on false charges.

There are exceptions to normal rules for persons detained during a state of emergency or under the Prevention of Terrorism Act. Any person arrested under the Act must be produced before a magistrate within three days unless the Minister of National Security orders the suspect to be detained for a period of three months. Such an order may be renewed for a period of up to 18 months. The terms of detention are set out in this order; detainees do not have the same rights as other prisoners regarding visits by family, access to lawyers, food, and other conditions of incarceration. Suspects detained for violating emergency regulations may be held for 90 days before being produced before a magistrate.

In 1984 the Prevention of Terrorism Act was used extensively to detain large numbers of Tamil youths in the North and East. According to the Government, 432 persons were arrested under the Act in 1984. At year's end 326 of those still were being detained, along with 46 who were arrested before 1984. In August the Army requested parents in two towns on the north coast, where there had been clashes between the security forces and terrorists, to bring their 18 to 25-year-old sons to a community center for identification and registration. Over 530 youths then were taken to an Army camp in the far South, in the Sinhalese-majority area, for questioning. Late in the year 30 remained in custody. Critics of the government action charged that these youths were neither a threat to national security nor suspected of having committed offenses. Knowledgeable sources reported that the youths taken to the South in this and similar instances have been given adequate food and shelter and subsequently returned to their home areas unless found to have been involved with illegal separatist activities.

The Constitution empowers the Court of Appeal to issue writs of habeas corpus. Relatives took advantage of this provision to gain access to detainees several times in 1984. Persons held under the Prevention of Terrorism Act may be permitted to see lawyers of their choice. The Government, however, sometimes is slow to grant access and in some cases has imposed strict conditions on such visits. Bail is available for most persons arrested, but it cannot be granted to persons held under the Act.

According to government figures, 6,780 people were arrested for looting, arson, and mischief during the July 1983 disturbances, including 500 detained for curfew violations. To date about 3,000 have been released because of insufficient evidence, about 2,300 suspected or charged with less serious crimes have been released on bail, and about 1,500 still are under detention while their cases are being investigated by police. As of July 1, 1984, the Attorney General's Department had filed 37 complaints charging offense against the person, 164 charging offenses against property, and 103 charging minor offenses. A number of cases have gone to trial and there have been some acquittals.

### e. Denial of Fair Public Trial

Sri Lankan law derives from the British common law tradition. The Constitution guarantees the independence of the judiciary, and lawyers and judges are held in high esteem. An accused person is entitled by the Constitution to--and under normal circumstances receives--a fair trial in open court, is represented by counsel of his choice, and is apprised of the charges and the evidence against him. Although trial by jury is the custom, juries are not provided in trials under the Prevention of Terrorism Act on the grounds that jury members could be intimidated.

The Chief Justice and all judges of the Supreme Court, Court of Appeal, and High Court are appointed by the President. The Chief Justice and two Supreme Court judges comprise a Judicial Service Commission which appoints, transfers, and dismisses all lower court judges and magistrates. Prior to February 1984, it also appointed all senior attorneys. In February, however, Parliament passed the Eighth Amendment to the Constitution giving the President power to appoint senior attorneys, which many lawyers regard as a threat to the independence of the judiciary.

At the President's urging, Parliament appointed a Select Committee to investigate the Chief Justice, who was accused of actions inconsistent with his position when he made public statements about government policies and actions. Fifty-seven members of Parliament then presented a resolution calling for the President to remove the Chief Justice. Another Select Committee was appointed in September to inquire and report into the allegations contained in the resolution. Because submissions on the Chief Justice's behalf took longer than expected, the Select Committee could not report before the Chief Justice reached age 65 and retired.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government respects individual privacy and the sanctity of the family and the home, and the judiciary has a good record of upholding rights to privacy in those cases which reach the High Court or the Supreme Court. However, critics of the Prevention of Terrorism Act and of the actions of government forces in Tamil-majority areas claim that police and military personnel often enter the homes of Tamils without cause. In ordinary circumstances, search and arrest warrants are required in order to enter private premises. Under the Act, however, police officers above a certain rank and less senior officers authorized by them in writing may, without a warrant, enter and search any premises and seize "any document or thing" when there is a presumption or evidence of support for, or involvement with, unlawful activity.

Monitoring of telephones is not known to be a common practice, despite allegations by some critics of the Government that it taps their telephone lines.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

The Constitution guarantees "freedom of speech and expression including publication," but it also permits these guarantees to be restricted "as may be prescribed by law in the interests of national security." Sri Lankans are not detained, arrested, or prosecuted for expressing views critical of the Government. In practice, reporting on a number of topics was censored under emergency regulations or the Prevention of Terrorism Act during much of 1984.

Censorship of articles relating to terrorist activities, security operations, postsecondary education, and communal matters was imposed in November 1983. When an announcement that an Israel Interests Section had been established in Sri Lanka produced anti-Israel and anti-government demonstrations, the Government acted under the Prevention of Terrorism Act on June 11 to impose blanket censorship on all matters pertaining to terrorist violence, security operations, training of the security forces, armed robberies, protests against the Israel Interests Section, and any matter which would affect national harmony or public order. This censorship covered both Sri Lankan media and reports by foreign correspondents in Sri Lanka. It was relaxed after 23 days, but censorship under emergency regulations still applied to terrorist activities, security operations, and matters prejudicial to harmony and public order. Following violence at Colombo University in June, censors prohibited news accounts about student unrest, police actions, and some other activities at schools and universities. On October 8, the Government imposed censorship on reports of the All-Party Conference, requiring the media to publish only the official report of conference proceedings.

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At the request of four opposition parties the Government lifted restrictions on the publication of speeches and distribution of leaflets during two parliamentary by-elections. On October 12, the Government removed all censorship except on the All-Party Conference's proceedings, but required editors to apply "self-censorship" on reports of terrorist activities and security operations.

One publication, however, has been subject to special censorship. The Saturday Review, an English-language weekly published in Jaffna which has advocated the creation of a separate Tamil state, was ordered closed on July 1, 1983. It was permitted to resume publication in February 1984, but all items intended for publication, including sports reports, must be submitted to the government censor in Jaffna. In May, the Saturday Review challenged the censor in the Supreme Court to prove that he did not discriminate against that newspaper. The Court found that the censor had lawfully restricted the fundamental rights of the newspapers' owners because these restrictions were made during a state of emergency and because the Saturday Review is produced in Jaffna where there is "considerable public disorder and threats to national security."

The Government controls the largest circulation newspaper group and owns the nation's radio and television services. There are many independent newspapers and magazines, including the organs of opposition political parties. Although independent publications complain of attempts to control criticism, differing views appear regularly in both government and independent publications.

Official actions on several occasions in 1984 impinged upon press freedom. In 1984 the Government began proceedings against an independent newspaper chain for publishing articles in January and February 1983 speculating about the possibility of an adjustment in exchange rates, on the grounds that editors did not obtain prior approval from the Finance Ministry and thereby violated the Press Council Law. The case will be tried in January 1985. The use of pseudonyms is an established tradition in Sri Lankan journalism. In June, the Cabinet approved a proposal to ban their use on the grounds that abolishing pseudonyms would prevent "irresponsible" statements from appearing in the press. Critics regard the proposed ban as a violation of freedom of speech. Although the Attorney General ruled that the proposed ban violated fundamental rights, the Government announced that it intends to go ahead, but it has not yet taken any action. The Government continues to prevent distribution of leaflets by proscribed political parties and pro-separatism organizations by arresting those caught distributing them.

Academic freedom is respected but political and communal violence led to disruptions of the education process in 1984. The Government closed several universities at various times after violence broke out on campuses.

### b. Freedom of Peaceful Assembly and Association

The Constitution guarantees freedom of assembly and association and the right to form and join trade unions. Sri Lanka has an abundance of private associations devoted to the promotion of business, professional, educational, religious, charitable, and humanitarian causes. These organizations are free to maintain ties with international bodies.

During a state of emergency no group is allowed to hold processions or street demonstrations and police are empowered to move any stationary group of five or more persons from a public place. However, public meetings may be held. A permit is required if a loudspeaker is used. The Government relaxed emergency regulations to permit all political parties, except those proscribed, to hold processions on May Day. In a rare incident, on September 9 police using batons and tear gas broke up a meeting organized by the opposition Sri Lanka Freedom Party (SLFP). The SLFP had received police permission to hold the meeting, but it was withdrawn on the eve of the meeting, allegedly because the ruling United National Party was to hold a meeting in the same town--it did not, in fact--and police feared a breach of the peace. A government spokesman later claimed that permission could not be given for the SLFP meeting because ownership of the land where it was to be held is in dispute and granting permission would have amounted to recognizing ownership.

In October, Parliament approved the Government's proposal to require six hours prior notice for a procession or march, even when no state of emergency is in effect. Opposition members of Parliament argued that this change threatens the democratic process. Rallies and processions of which the police have not been notified may be dispersed only after issuance of a warrant.

Sri Lankan workers are permitted to organize, bargain collectively, lobby, and strike. In April, for example, 600,000 plantation workers went on strike for 10 days for better wages and benefits. Public sector employees who come under the essential Public Services Act of 1979, however, are not permitted to strike. There are more than 1,400 trade unions, mostly small, covering approximately one-third of the labor force. Workers in the free trade zone northeast of Colombo are not permitted to form unions but participate in company "associations," and some workers have gone on strike.

Most of the largest worker organizations are affiliated with political parties, frequently operate as arms of those parties, and play a significant role in the political process. The largest, the Ceylon Workers Congress, represents primarily Indian Tamil estate workers (many of whom are "stateless"). Its president is a Tamil and a member of the Cabinet. The next largest union is the Jathika Sevaka Sangamaya, affiliated with the ruling United National Party.

A number of unions maintain ties with the International Trade Secretariats and are affiliated with the democratically oriented International Confederation of Free Trade Unions. Other unions are affiliated with the Communist-dominated World Federation of Trade Unions. Sri Lanka is a member of the International Labor Organization.

### c. Freedom of Religion

Although the Constitution establishes Buddhism as the official religion and requires the Government "to protect and foster" Buddhism, it also guarantees the right of all Hindus, Muslims, and Christians to practice their religions freely. Most members of the majority Sinhalese ethnic group are Buddhists, while most Tamils are Hindu (there are Christians from both groups). However, religious differences generally are not a basis for discrimination. Sri Lankans of every faith are free to maintain links with coreligionists in other countries and to undertake religious travel.

Two Cabinet ministers are assigned the additional portfolios of Minister of Muslim Affairs and Minister of Hindu Affairs to deal with issues involving those minority religions.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution guarantees every citizen "freedom of movement and of choosing his residence within Sri Lanka" and "freedom to return to Sri Lanka." These guarantees are honored.

The present Government removed exit visa requirements imposed by its predecessor and now permits virtually unimpeded emigration and travel. Sri Lankans of every ethnic group, both male and female, have taken advantage of this policy to seek better-paying jobs abroad. It is believed that there are over 100,000 Sri Lankans working in the Middle East alone.

Some Tamils, predominantly young men, have traveled abroad and sought refugee status or political asylum on the grounds that they are members of a persecuted minority. Under the Constitution, they are free to return at any time. However, one Tamil youth who attempted unsuccessfully to obtain asylum in Switzerland and was deported to Sri Lanka was arrested upon his return in November 1983. In April 1984, he was discharged by a magistrate who found that the Government had no case.

The Government is reluctant to permit refugees or displaced persons from other countries to stay in Sri Lanka while seeking permanent residence elsewhere and generally denies such persons entry.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Sri Lanka is an open, working, multiparty democracy. Citizens elect their president, members of parliament, and local government officials by universal adult suffrage. All laws, including acts extending the state of emergency, must be approved by the Parliament. Voter turnout generally is over 80 percent. The present Government won 51 percent of the popular vote in 1977, 53 in the presidential election of October 1982, and 54.5 in the referendum of December 1982 which extended Parliament's term to 1989.

Sri Lanka's parties represent many different political views. All parties that meet certain requirements may appear on the ballot. Generally, opposition parties function freely and have their own newspapers, and their activities are covered by the national news media. On July 30, 1983, the Government proscribed three political parties under emergency regulations because it believed these parties fomented or sought to take advantage of the July 1983 communal violence. The ban on one party was lifted in October 1983 and on another in September 1984. The Marxist Janatha Vimukthi Peramuna (JVP) still is proscribed, but one of its members has begun legal proceedings challenging the proscription.

The Sri Lanka Freedom Party (SLFP), which historically has alternated with the ruling UNP in forming governments, is currently in disarray largely because the civic rights of its leader, former Prime Minister Mrs. Sirimavo Bandaranaike, were suspended in 1980 for seven years on the grounds that she had exceeded her powers during her tenure as Prime Minister, 1970-77. In January radical members of the SLFP, including Mrs. Bandaranaike's daughter and son-in-law, broke away and formed the Sri Lanka Mahajana (Peoples) Party. In the two by-elections in October this new party lost decisively. The last few years have witnessed a decline in electoral support for parties of the extreme left, although the JVP retains a small following among students and other youths. The political wing of the Ceylon Workers Congress represents most Indian Tamils. Its leader is a member of the Cabinet. The Tamil United Liberation Front's (TULF) constituency is primarily among Sri Lankan Tamils in the North and East. One of the TULF's avowed objectives is partition of the island and the creation of a separate Tamil State in the northern and eastern districts where Sri Lankan Tamils either form the majority or represent substantial minorities.

The Sixth Amendment to the Constitution, passed in August 1983, requires all members of Parliament to take an oath disavowing separatism. The 15 TULF members refused to take the oath and were deemed to have relinquished their seats, which represent Tamil-majority areas. By-elections to fill their seats have been postponed under the state of emergency on the grounds that campaigns in those troubled areas will lead to breaches of the peace. The TULF also is opposed to holding these by-elections in current circumstances.

By-elections to fill the seats in Sinhalese-majority areas of two members who died were held in October after the Government rushed a bill through Parliament to enable parties founded since 1981 to register and thus participate in elections. The act also gives wide powers to the election commissioner to decide, in the event of disturbances at a polling station, whether to count the ballots from that station or to call for a fresh poll.

The 1978 Constitution provides for proportional representation. The system will not come into use until the next general election, not required until 1989. Politicians of all parties, however, are having doubts about this system, and a parliamentary committee was appointed in July 1983 to review the 1978 Constitution and all voting laws. It has not yet reported its findings.

## Section 4 Government Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Government is sensitive to investigations of its human rights practices, but generally does not interfere with such investigations, of which there have been several in the past two years. The Government regards reports issued by such organizations as Amnesty International and the International Commission of Jurists (ICJ) as biased.

In a report published in March, following a mission to Sri Lanka, an ICJ representative noted that communal animosities have led to a steadily deteriorating situation and recommended steps that the Government could take to lessen tension, including independent judicial inquiries into the July 1983 violence and the killing of 53 Tamil prisoners in Welikade Prison, stricter control over application of the Prevention of Terrorism Act, and efforts to meet the legitimate expectations of the Tamil community. He concluded that certain police powers under the Prevention of Terrorism Act and the Sixth Amendment to the Constitution are serious violations of the rule of law and Sri Lanka's obligations under the International Covenant On Civil and Political Rights.

Amnesty International issued a special report in June 1984 covering the period July 1983 to April 1984. Noting that it continued to receive reports of human rights violations in Sri Lanka, Amnesty International expressed particular concern about the use of the Prevention of Terrorism Act, allegations of arbitrary arrest and detention and of torture and death of detainees, and about evidence and reports that security forces have shot or killed innocent Tamils in the North.

In September 1983, the U.N. Subcommission on Prevention of Discrimination and Protection of Minorities passed a resolution requesting the U.N. Human Rights Commission to ask the Secretary General to seek information from the Government of Sri Lanka and other sources on communal violence and to submit a report to the U.N. Economic and Social Council. The U.N. Human Rights Commission decided in February 1984, after hearing a presentation by the Sri Lankan Government, that further consideration of the situation was "not necessary" as suitable steps were being taken to seek communal peace and harmony. At its meeting in September 1984, the Subcommission expressed the hope that the Government would present information on its progress.

Several semiofficial and non-governmental local organizations monitor human rights in Sri Lanka. Their reports and statements usually do not elicit responses from the Government. Leaders claim that they are subjected to occasional official harassment but they have been permitted to continue to function.

Freedom House rates Sri Lanka "partly free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Sri Lanka is a developing and primarily agrarian nation. It depends heavily on plantation crops (tea, rubber, and coconuts) for export earnings and employment. Rice is the major food crop. When the United National Party came to power in 1977 it initated a new program to accelerate economic growth based on easing government controls and shifting government spending from consumer subsidies to capital investment. Foreign aid has been crucial to Sri Lanka's ambitious capital development plans. The liberalization policy has had considerable success in stimulating growth, which has averaged about six percent annually. Per capita gross national product in 1982 was 324.3 dollars.

Many sectors of the economy remain in need of development. Entrepreneurs and farmers have benefited from the Government's policies but others on fixed incomes, urban unskilled laborers, and tenant farmers have suffered from high rates of inflation. In 1983, inflation was over 28 percent; in 1984 it was expected to be around 15 percent.

Over 150,000 Sri Lankans work abroad. Although their departure has created shortages of trained personnel, the foreign exchange they remit plays a large role in improving the balance of payments.

The population is 15,925,000 and is increasing at the rate of 1.8 percent. Life expectancy at birth is 69 years and the infant mortality rate is 30.5 per 1,000 live births.

Health care is free for all Sri Lankans although the number of facilities and doctors has not kept pace with population growth. The best medical facilities are found in and around Colombo. Hospitals suffer from shortages of medicine and trained staff and malfunctioning equipment; many facilities are old. Communicable diseases pose a major health problem. Cholera and diarrheal diseases occur frequently because potable water supplies and sanitation facilities are inadequate. Only 20 percent of the population has access to safe water (1976 figure). Malaria has become a serious problem in recent years due to the opening of new settlement areas and complacency on the part of officials who thought malaria had been eradicated.

Sri Lanka has an excellent education system, free to citizens from primary school through university. The literacy rate is 87 percent. The best schools are located in Colombo and other principal towns. There is a shortage of university places: about 5,000 freshmen every year are drawn from a pool of roughly 22,000 qualified candidates.

In 1956 the Government began education reforms that deemphasized the teaching of English and stressed vernacular education. As a result, many Sri Lankans now lack the English language skills necessary to qualify for some government and private sector jobs, both at home and abroad. English has been important as a "link language" between Sri Lanka's ethnic groups, so that the decline of English has been one factor in the continuing tensions between Sinhalese and Tamils. In February 1983, President Jayewardene announced that the Government would place more emphasis on the teaching of English, and it has taken steps toward that end.

Citizens have the right to acquire, hold, and dispose of property, but each individual may own only 1 house and no more than 50 acres. The Government permits non-citizen residents, except Indian Tamils, to own property.

Women have equal rights under the law, including equal property and inheritance rights. The various ethnic and religious groups have their own "personal" laws, which place some limitations on women. Some Tamil families believe their women members should not be seen working in public. Some Muslim women are discouraged from seeking higher education or employment. One important result of the plantation workers' strike in 1984 was obtaining equal wages for men and women in that sector. The Labor Ministry reportedly is considering equalizing wages in all organized sectors of the economy.

Women fill important posts in the civil service, the professions, and business, but the majority are found in manual and semiskilled jobs. Women vote in large numbers, but otherwise play a more limited role than men in the political process. There presently are eight women members of Parliament, and Sri Lankans are proud of the fact that they had the world's first woman Prime Minister, Mrs. Sirimavo

Bandaranaike. In 1983 the President created a Ministry of Women's Affairs and Teaching Hospitals and gave the Minister, a woman, cabinet rank.

Only one group, those Indian Tamils who are stateless, are not integrated fully into the life of the country. In 1964 India and Sri Lanka signed an agreement intended to resolve the citizenship status of some 1 million stateless Indian Tamils over a period of 15 years, later extended to 17. Under this agreement India would grant citizenship and repatriate to south India 600,000 Indian Tamils and any children born to them after 1964. Sri Lanka would grant citizenship to 375,000 and their offspring born after 1964. By October 31, 1981, when the two countries were to have settled this issue, India had taken more than 300,000 persons as repatriates. Sri Lanka had granted citizenship to over 185,000 plus over 62,000 post-1964 offspring. Over 207,000 Indian Tamils in Sri Lanka before 1964, plus nearly 45,000 offspring, were granted Indian citizenship but still awaited repatriation. In the wake of the July 1983 anti-Tamil violence, some in this latter group are being processed for repatriation or have migrated to India.

With the lapse of the 1964 agreement India declined to consider any more applications for citizenship. The Government of Sri Lanka believes that the 1964 pact remains in force until the citizenship cases and permanent residence of all Indian Tamils covered by the pact have been settled. The All-Party Conference has agreed that the Government should grant Sri Lankan citizenship to stateless Indian Tamils who did not apply for Indian citizenship and were not granted Sri Lankan citizenship under the 1964 agreement.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
## (U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: SRI LANKA

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 70.8 | 80.4 | 75.5 |
| LOANS.............. | 58.7 | 66.9 | 59.7 |
| GRANTS............. | 12.1 | 13.5 | 15.8 |
| A.AID ................ | 48.5 | 50.7 | 44.7 |
| LOANS.............. | 42.0 | 45.5 | 34.7 |
| GRANTS............. | 6.5 | 5.2 | 10.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 22.3 | 29.7 | 30.4 |
| LOANS.............. | 16.7 | 21.4 | 25.0 |
| GRANTS............. | 5.6 | 8.3 | 5.4 |
| TITLE I-TOTAL.......... | 16.7 | 21.4 | 25.0 |
| REPAY. IN $-LOANS..... | 16.7 | 21.4 | 25.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 5.6 | 8.3 | 5.4 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 3.7 | 0.4 |
| VOL.RELIEF AGENCY..... | 5.6 | 4.6 | 5.0 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.4 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.4 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.4 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 2.1 | 0.1 | 0.1 |
| LOANS.............. | 2.0 | 0.0 | 0.0 |
| GRANTS............. | 0.1 | 0.1 | 0.1 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 2.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.1 | 0.1 | 0.1 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 72.9 | 80.5 | 75.6 |
| LOANS.............. | 60.7 | 66.9 | 59.7 |
| GRANTS............. | 12.2 | 13.6 | 15.9 |
| OTHER US LOANS.......... | 11.3 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 11.3 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 169.9 | 86.2 | 87.9 | 1312.7 |
| IBRD | 42.7 | 0.0 | 12.1 | 128.2 |
| IFC | 2.0 | 7.4 | 0.1 | 39.5 |
| IDA | 86.0 | 32.0 | 55.0 | 713.3 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 35.4 | 39.8 | 20.7 | 339.9 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 3.8 | 3.7 | 0.0 | 70.7 |
| OTHER-UN | 0.0 | 3.3 | 0.0 | 21.1 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## SYRIA

The Syrian Arab Republic is according to its Constitution a representative democracy and has the trappings of a legislature and a multiparty system. In fact, Hafiz al-Asad, as President, Commander-in-Chief of the Armed Forces, and Secretary General of the Syrian Ba'ath Party, wields virtually absolute power. Only the Ba'ath Party is allowed any importance, and it functions only as a device to legitimate President Asad's regime. The regime has not permitted alternative centers of governmental power, such as an independent legislature or judiciary. It has been willing to resort to extreme brutality and forcible repression, although its survival for 14 years has been due also to a policy of meeting economic needs of the populace.

Prior to Asad, no leader lasted more than four years. Syria's French colonial history, which left political institutions undeveloped, and the population's ethnic mix made it a difficult country to govern. Syria had an unsatisfactory experience with non-military rule after independence in 1945, as scions of wealthy families bickered incessantly, and after the debacle of the war with Israel, civilian government gave way in 1949 to military rule. Civilian rule briefly returned in the mid-fifties, when Syria's only free election moved the country radically leftward. The Ba'ath Party, with its emphasis on socialism and secular Arabism, then gained popularity and power and has dominated Syria for most of the time since, usually in the person of a military officer.

Ba'athism sought to overcome sectarian and class cleavages by building a sense of national rather than ethnic identity. Cleavages remain but have somewhat eased, perhaps contributing to Asad's longevity. President Asad has continued the policy of his Ba'athi predecessors in promoting a socialist economy, redistributing wealth, and building roads, schools, and clinics throughout the country, but without the ideological severity that characterized much of the decade of the 1960's. He is particularly careful not to exceed what is acceptable to the military, the leadership of which is dominated by fellow Alawis.

Asad and other members of the minority Alawi Muslim sect (10-12 percent of the population) control key positions in the Government, the Ba'ath Party, and the military and security forces. During Asad's rule, the Alawis have greatly improved their own economic well-being; historically they were among Syria's poorest groups. Partly because of the regime's minority status and Ba'athism's quintessentially secular nature, Syria's many religious and ethnic minorities have not suffered severe oppression and have on the whole been able to extract some economic benefit from Ba'athi rule. At the same time, the entrepreneurial and commercial elements within the Sunni majority have suffered as the regime has moved gradually to eliminate all major private industry. Ba'athist secularism formally espouses a more equal role for women and has to some extent countered Islamic traditionalism that previously impeded their advancement.

Periodic outbreaks of violence against the regime have occurred during Asad's rule. Islamic fundamentalists in Syria oppose the secular emphasis of Ba'athism and Asad's Alawi background, and in 1979-1982 frequently resorted to terrorism.

## SYRIA

The Muslim Brotherhood, a banned, secret organization of Sunni Islamic fundamentalists, is dedicated to the regime's overthrow and was one of the principal sources of anti-regime activity in that period. In 1980 the Government made membership in the Muslim Brotherhood punishable by death. Efforts to suppress the organization during 1979-82 included a series of ruthless massacres; thousands of suspected Muslim Brotherhood members were summarily executed, frequently after brutal treatment, including torture; and thousands of innocent bystanders were killed by the heavy fire used to root out the Brotherhood in Hama. The Government also suppressed nonviolent sources of dissent, arresting the leaders of the hitherto independent lawyers' and engineers' syndicates in 1980 and placing the groups under regime control. Reports of politically inspired arrests have declined substantially during 1983 and 1984, and violent resistance to the regime has virtually ceased.

Israel occupied the Golan Heights in southwest Syria in the 1967 war, but withdrew from portions of the area in 1974 following a disengagement agreement with Syria. In December 1981 it extended Israeli law, jurisdiction, and administration to the Golan areas still under occupation. Human rights conditions there are covered under the report on Israeli-occupied territories.

Syrian military units have controlled large areas of Lebanon since 1976, originally as the principal contributor to the Arab deterrent force formed by the Arab League in response to the 1975-76 Lebanese civil war. Despite their original role as peacemakers, the Syrians have at times been charged with serious violations of human and political rights in Lebanon. However, since the departure of the Multinational Force from Beirut in February, Syria's ostensible objective has been to promote a stable, pro-Syrian Lebanese government, and Syria has made a significant attempt to reduce violence and enhance government authority in the Beirut area. In July 1984 an exchange of 300 Syrian prisoners of war for 3 Israeli prisoners of war from the 1982 Israeli invasion of Lebanon was arranged through the International Committee of the Red Cross. The Popular Front for the Liberation of Palestine-General Command, a radical Palestinian group under Syrian control, continues to hold three Israeli prisoners.

Syria provides sanctuary, and reportedly support, to Arab terrorist groups such as Black June. Anti-Turkish Armenian terrorist groups are known to operate in Syria. Syria continues to permit an Iranian Revolutionary Guard presence in Syria and in Syrian-controlled parts of Lebanon.

During 1984, the Syrian regime continued to restrict freedom of speech, press, association, and assembly and to deny the right of citizens to change their government. It pursued dissident elements, carried out cordon-and-search operations without judicial safeguards against invasion of the home, and reportedly engaged in torture and other brutal practices. Limited popular participation in decisions concerning economic and social issues occurs on a limited basis via the Ba'ath Party, unions, and other state- or party-controlled organizations. However, there were no indications of any trend toward a more open political system or toward greater respect for the integrity of the person.

# SYRIA

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

Political executions are typically a reaction to direct and violent threats to the regime; when the threats subside, the executions similarly subside. Since the army attacked the old quarter of Hama in February 1982, destroyed much of it, and killed thousands of its inhabitants as well as the core of the fundamentalist (at least partially Muslim Brotherhood) groups that mounted the insurrection, Syria has been relatively free of terrorist attacks and political killings. A handful of unconfirmed reports of executions surfaced in 1983 and 1984.

There were unconfirmed reports of at least indirect Syrian involvement in the April 1983 bombing of the U.S. Embassy in Beirut and the October 1983 bombings of U.S. and French Multinational Force billets in Beirut, each of which caused extensive loss of life. At a minimum, Syrian permissiveness of the Iranian Revolutionary Guards' presence in Lebanon facilitated these terrorist operations.

Internecine Palestinian squabbles and executions in Syria appeared to cease in 1984 as Syrian-dominated factions gained the upper hand in Syria and Syrian-controlled Lebanon.

#### b. Disappearance

Reportedly, people arrested for security reasons are sometimes never heard from again; families are not notified, nor are detainees allowed to contact their next of kin. It is possible that many of these people are dead.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There have been numerous credible reports of torture, primarily during arrest and interrogation. The penal code prohibits torture and establishes severe penalties for such practices. There are no reports or official acknowledgements or punishment of security or police officials for acts of torture, however. According to Amnesty International's 1983 report on Syria, commonly used methods of torture in recent years include beatings, whipping of prisoners suspended in tires, beatings on the sole of the feet, cigarette burns, sexual molestation, and electric shocks.

Little detailed information is available about prison conditions. No international organizations, such as the International Committee of the Red Cross (ICRC), are allowed access to detention facilities. The ICRC has, however, visited such special category detainees as the U.S. airman captured in December 1983 and Israeli prisoners of war. Persons charged with or convicted of criminal offenses are held separately from those charged with political and security offenses. Health care, food, and access by family members for persons held in ordinary prisons are reported to be adequate. Conditions at prisons where political and security prisoners are held are reported to be more severe; visits by family members, for example, are not allowed, and Amnesty International, in its report Torture in the Eighties, indicated that it has continued to receive allegations of torture and ill-treatment of prisoners.

d. Arbitrary Arrest, Detention, or Exile

The Constitution guarantees life, liberty, and personal security. The civilian legal code, modeled after French law, provides for due process, although it permits indefinite pretrial detention during the investigative process. Under the state of emergency in force since 1963, these safeguards can be suspended, and an individual may be held indefinitely without charge or trial, especially in political and security cases.

The number of people currently held without trial or charge is not known, but is probably significant. Approximately 20 Ba'ath Party and government officials of the previous regime have been under detention since 1970. According to unconfirmed press accounts, possibly as many as 150 military officers were arrested in January 1982 in connection with an alleged coup plot, and several dozen more in 1983 for questioning government policies. In 1984, however, a power struggle between the President's brother Rif'at al-Assad and several military and security force commanders did not lead to sweeping arrests or detentions.

e. Denial of Fair Public Trial

Criminal cases with no political implications are conducted according to the Code Laws passed down from the French. The defendant is detained provisionally upon the accusation of the public prosecutor, then remanded to a judge of arraignment, who may either free him on the basis of insufficient evidence or refer the case to a criminal court. Defendants are entitled to legal representation of their choice; if they cannot afford an attorney, the court appoints and pays for a lawyer. Civilian courts impose no restrictions on the lawyer in representing his client and allow the right of appeal. In noncontroversial criminal cases, the civilian courts are typically free from governmental interference; nevertheless, pressure from the party, state security forces, or other special units affects the course of the trials or the verdicts if there is sufficiently high-level interest in a given case.

Persons charged with security or political offenses fall under the jurisdiction of the military courts or the state security court. Arrests are made secretly and with no legal safeguards. The accused cannot be contacted by family or friends, who most often do not know the place of detention, which may be one of many secret or semisecret prisons maintained by different security forces. The accused has no right to a judicial determination of the basis for pretrial detention, no redress for false arrest, and no say in the selection of a lawyer, who is chosen by the court. All court sessions are closed, and there are no official channels for obtaining information on the trial or sentencing, though relatives with influence in the Government may ultimately succeed in obtaining reliable information and even effecting the release of the accused.

The Government does not disseminate information on the number of persons detained for political or security offenses, and it is impossible to make an accurate estimate. It is clear that such arrests are relatively frequent. Relatives of persons arrested by security forces have no way to publicize their cases and would be, in any case, too intimidated to do so. There is no opposition able to challenge the Government in this matter or to make estimates of its own.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government interferes with the private lives of its citizens in a number of ways. Electronic surveillance is believed to be widespread. Intelligence organizations maintain a network of guards to protect officials and important buildings, as well as to monitor the activity of people living in those neighborhoods. The postal system censors the mail but does not check every letter or package. Private schools are carefully inspected by the Government and follow the governmental curriculum. Although the legal system provides safeguards, including a requirement of arrest and search warrant before police are allowed to enter private homes, regulations under the state of emergency currently in effect suspend these safeguards in security-related cases. During security operations, especially in 1979-1982, there have been warrantless house-to-house searches by security personnel.

Membership in the Ba'ath Party is politically expedient but not forced; indeed, membership is only achieved through recommendation and invitation.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Public criticism of the Government, the Ba'ath Party, or related institutions is not permitted. The broadcast media and publishing houses are wholly owned and operated by the Government and the Ba'ath Party and usually give only the official views on government policies and other important issues. The very occasional criticism of governmental bodies or operations is sanctioned criticism directed at administrative failings. Officials above the middle ranks are rarely criticized.

Imported foreign printed matter and films generally are not censored, although articles are occasionally deleted from magazines and newspapers before distribution. This news material, along with fictional and non-fictional literature on the Middle East, is banned when considered critical of Syria. Control is much stricter on materials in Arabic. Censorship is exercised through offices in the Ministries of Information and of Culture and National Guidance. During the November 1983 assault by Syrian-surrogate Palestinian organizations against pro-Arafat Palestinian forces in Tripoli, television news from neighboring Jordan was jammed and Beirut periodicals were often withheld from the market.

Aside from a few church-run, private primary and secondary schools that are carefully inspected and follow the Education Ministry curriculum, schools at all levels are government operated. Teachers are not permitted to express ideas contrary to government policy, although in practice there is more openness of expression at the university level.

## SYRIA

### b. Freedom of Peaceful Assembly and Association

Public meetings, assemblies, or demonstrations can occur only with official acquiescence and usually at the instigation of the Government or the Ba'ath Party. Private societies are allowed to meet if they have received governmental permission to organize. These are limited to nonpolitical activities, and include religious groups, e.g., the St. Vincent de Paul Society.

In response to observations by the International Labor Organization (ILO), the Syrian Government is reported to have made efforts to bring its legislation into conformity with the Convention on Freedom of Association and Protection of the Right to Organize. In its 1984 report, however, the ILO's Committee of Experts stated that various provisions of Syrian legislation were still at variance with the convention. Professional organizations and labor unions function as parts of the government apparatus and are primarily used to transmit instructions and information from the Syrian leadership to their members. Unofficially, the unions also function as a means to keep the leadership informed of grievances and concerns at the grass roots level. Strikes are forbidden by law.

### c. Freedom of Religion

Although predominantly Muslim, Syria does not espouse Islam as a state religion. As a concession to Islamic fundamentalists, who object to Ba'athi secularism, the present regime wrote into the Constitution the requirement that the President be Muslim, but otherwise there is no official advantage given to Islam or a particular sect of Islam. Sunni Arabs constitute over two-thirds of the populace, but most key positions in the Government are controlled by members of the Alawi sect (10-12 percent of the population), which some Islamic fundamentalists do not accept as Muslim.

Ba'athi ideology and modernizing influences have had some impact in diminishing the primacy of religion and ethnicity, but an individual Syrian continues to be defined by his communal background, and the Iranian Revolution has encouraged the growth of Islamic fundamentalism. In this communally divided society, prejudice is virtually a way of life, though less so now than in the past. However, non-Alawi minority groups--which include Druze, Isma'ili Shi'a, Imami Shi'a, Jewish, Greek Orthodox, Greek Catholic, Roman Catholic, Maronite Catholic, Armenian Catholic, Armenian Orthodox, Syrian Catholic, Syrian Orthodox, Nestorian, and Protestant, not to mention Kurdish, Circassian, Turkoman, and Turkish Sunni--enjoy freedom to practice their religion. While members of non-Alawi minorities, as well as the Sunni majority, cannot usually aspire to more than marginal political power, every minority has members who prosper economically, and no minority can be said to be economically oppressed as a class. At the same time, the non-Muslim minorities are wary of potential political developments and keep their options open to emigrate through bank accounts and contacts abroad. Proselytizing is discouraged. In an exception to the general official policy of religious tolerance, Seventh Day Adventists are forbidden by law to practice their religion, and all Adventist church property has been confiscated.

SYRIA

The 3,000-4,000 Jews are free to practice their religion. The situation of the Jewish community has improved in recent years, despite continuing uncertainty over the community's future, and today it enjoys a relatively good standard of living, access to higher education and entrance into the professions. Jews are subject to restrictions on foreign travel (see below), however, and unlike other Syrian communal groups, there is always an entry in the space for religion on the identity cards and passports of Jewish citizens. Given the officially proclaimed state of war with Israel, the Syrian Government does not permit contact between Syrian Jews and Jews in Israel.

There are unconfirmed reports that Jews are not permitted to hold government jobs, and, as in the cases of other small minority groups in Syria, no Jews are known to hold senior government or party office. Jews cannot serve in the military and, upon receiving degrees in technical fields, are not required to undertake five years of obligatory public service. There is no compelling evidence to indicate that the murder of members of a Jewish family in Aleppo in December 1983 had a religious motivation. The authorities' investigation continues, but the crime remains unsolved. There were no reported incidents of violent crime involving members of the Jewish community in 1984.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Internal travel is unrestricted except in the security zones of the Golan. All citizens wishing to travel abroad must obtain passports and exit visas. In theory, any Syrian can be required to post a bond which would be forfeited in case of non-return. Syrian Jews, however, are the only travelers routinely required to post such a bond, which varies from $250 to $10,000 (recently the required bonds have been toward the lower end of the scale), depending on the person's position in the community and economic circumstances. In recent years, Jews have found it somewhat easier to travel overseas, although an official ban on their emigration has continued. The Government continues its policy of not issuing passports to all the members of a Jewish family at the same time, although there have been some recent exceptions.

The Government generally forbids foreign travel for certain categories of citizens, e.g., persons liable for military service, and pharmacists, architects, and engineers trained in Syria at public expense who have not yet completed a five-year government service obligation. Those who attempt to travel illegally are subject to fines and detention. Frequent exceptions are granted for students who receive permission from the Foreign Ministry to continue higher studies abroad. Emigration is not discouraged for groups other than those mentioned above.

There are no formal restrictions on repatriation of Syrian citizens, although political opponents of the regime risk arrest if they return. There have been no reports of revocation of citizenship. The Government does not recognize renunciation of citizenship: a Syrian may acquire other nationalities but when within the borders of Syria is recognized as a Syrian citizen, subject to all rights and responsibilities.

## SYRIA

There is a large Palestinian community estimated at 240,000, predominantly refugees from the 1948 and 1967 Arab-Israeli wars. Several thousand Lebanese and Palestinians entered Syria in 1982, fleeing Israel's invasion of Lebanon. Many participate fully in the Syrian economy, although Palestinians claim that procedures for purchase of real property are cumbersome for them and they are allowed to own only one building or plot of land. There have been no incidents of forced repatriation of displaced persons to Lebanon.

Palestinians are generally free to choose their place of residence and occupation, and they occupy several senior positions in the Syrian bureaucracy. However, they are issued special Palestinian travel documents by the Government in lieu of Syrian passports, and they may not acquire citizenship or vote in Syrian elections.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

President Asad uses the Ba'ath Party as the instrument of his rule. Popular participation in the political process is severely restricted. The Constitution stipulates that the Ba'ath Party is the leading political organization. Several other parties are permitted by law, but they exercise little power and are subordinate to the Ba'ath Party. There is no legal party in active opposition to the Government. All legal political parties participate in the Progressive National Front, a mechanism which in theory is the highest political organization. Two political groupings are currently illegal: the Syrian Social National Party, which was banned in the 1950's after carrying out a series of assassinations against government officials, and the Muslim Brotherhood, some elements of which carried out a series of assassinations and acts of political violence in the late 1970's and early 1980's.

Candidates for parliament are selected by the ruling Ba'ath Party and, in theory, by four other parties which comprise the Progressive National Front. Personal loyalty to the regime and the President is a necessary qualification. Opposition lists of independents are offered but rarely prevail, probably because of the Front's far greater resources and organization and because of restrictions on freedom of expression. No independents were elected in the most recent elections, in 1981.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Government reacts to charges of human rights violations either by claiming that such charges are an intrusion in its internal affairs or by ignoring the charges altogether. The last visit by Amnesty International delegates occurred in March 1978; its periodic inquiries since then have received no response. The 1984 Amnesty International report expressed concern over the imprisonment of over 250 prisoners of conscience, wide powers used by the security forces to arrest and detain thousands of political prisoners, long-term detention without trial, summary procedures and the lack of legal safeguards in trials by military and state security courts, the routine use of torture by security forces, disappearances, and the death penalty. Freedom House calls Syria "not free."

# SYRIA

The Government regularly participates in U.N. conferences on human rights and is currently a member of the U.N. Human Rights Committee. The only internal group monitoring human rights ceased to exist in practical terms after some of its officers were arrested in April 1980.

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Traditionally, Syria has been an agricultural country growing wheat, cotton, barley, and tobacco. Since independence, however, it has built a substantial industrial base focusing on textiles, food processing, and light manufacturing. Although the Government is the sole purchaser of many agricultural commodities, most agricultural land is privately owned. Syrian observers estimate that roughly 15 percent of industrial production originates with private-sector, small-scale factories. Recently, Syria has undertaken several large-scale industrial projects, totally government-owned, to manufacture cement, fertilizer, and chemicals, refine petroleum, mine phosphate, and process steel.

Petroleum extraction (8.4 million tons in 1983) has been a primary source of foreign exchange in recent years, although declining production and greater local consumption have begun to erode the positive contribution oil exports have made to Syria's balance of trade.

Syria's population is slightly over 10 million, with a relatively high growth rate of 3.7 percent. Per capita gross national product in 1982 reached $1,680, up from $1,569 in 1981, in part due to inflation. Life expectancy at birth is 66.8 years, and the declining infant mortality rate is 57.6 deaths per 1,000. Both figures reflect the priority the Government has placed on improving health care and extending delivery systems in rural areas. The most recent World Bank data available (1976) indicate that 75 percent of Syria's population had access to safe drinking water, 60 percent in urban areas and 70 percent in rural areas. Virtually all urban areas are now electrified and considerable progress has been made in rural areas. One of the hallmarks of the Ba'athi regime is its emphasis on improving living conditions in the rural parts of the country. Primary school education is compulsory for both male and female children until the age of 13, although female enrollment lags far behind that of males.

The equality of women is guaranteed by the Constitution. Women participate extensively in the work force, particularly in Damascus, and the Women's Union works to expand the participation of women in all sectors of society, utilizing the media and a network of chapters throughout Syria to convey its message. At the same time, traditional religious law continues to pertain in matters of personal status. Particularly among the majority Muslim population, this continues to limit women's rights in matters such as marriage, divorce, and inheritance.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: SYRIA

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL | 0.0 | 0.0 | 0.0 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 0.0 | 0.0 | 0.0 |
| A.AID | 0.0 | 0.0 | 0.0 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 0.0 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.) | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE | 0.0 | 0.0 | 0.0 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 0.0 | 0.0 | 0.0 |
| TITLE I-TOTAL | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL | 0.0 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST | 0.0 | 0.0 | 0.0 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 0.0 | 0.0 | 0.0 |
| PEACE CORPS | 0.0 | 0.0 | 0.0 |
| NARCOTICS | 0.0 | 0.0 | 0.0 |
| OTHER | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL | 0.0 | 0.0 | 0.0 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL | 0.0 | 0.0 | 0.0 |
| LOANS | 0.0 | 0.0 | 0.0 |
| GRANTS | 0.0 | 0.0 | 0.0 |
| OTHER US LOANS | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS | 0.0 | 0.0 | 0.0 |
| ALL OTHER | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL | 23.6 | 5.0 | 30.0 | 676.2 |
| IBRD | 22.0 | 0.0 | 30.0 | 555.7 |
| IFC | 0.0 | 0.0 | 0.0 | 0.0 |
| IDA | 0.0 | 0.0 | 0.0 | 47.3 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 0.1 | 5.0 | 0.0 | 49.3 |
| OTHER-UN | 1.5 | 0.0 | 0.0 | 8.2 |
| EEC | 0.0 | 0.0 | 0.0 | 15.7 |

# TUNISIA

An Arab state in North Africa, Tunisia is presided over by Habib Bourguiba, President for Life, who celebrated his eighty-first birthday in 1984. A parliamentary republic since 1956, Tunisia has a Constitution which contains guarantees of basic human rights. The political system is dominated by the ruling Destourian (Constitutional) Socialist Party, founded by President Bourguiba in 1934. Three opposition parties have received government permission to organize political activity, and during 1984 they began to take a larger part in the country's political life. Several other opposition groups, including the religiously oriented Islamic Tendency Movement and three or four left-leaning organizations, still await official permission to function legally. The press is subject to de facto self-censorship. The Government acts occasionally against the press, both foreign and local, by seizing specific editions and banning individual publishing organizations for fixed periods.

The key political event of 1984 was the bread riots in January, an outgrowth of the economic downturn of the early eighties. The Government rescinded its subsidies for bread and cereal products with the result that the price of those staples doubled. Riots quickly spread from the southern cities and eventually touched all major cities. On January 6, President Bourguiba restored the subsidies and the rioting ceased, but not before the army had been called out to impose order. There were substantial losses of property through looting, and it is officially estimated that 92 persons died. Widespread arrests and trials ensued in which judicial procedure was not always scrupulously observed. Later in the year the Government pardoned many of those arrested during the riots.

The economy recovered somewhat in 1984, with the growth of gross domestic product projected at 5.5 percent. The principal industries are oil, phosphates, agriculture, and tourism. The Government encourages both private sector and state-run enterprise. Tunisia has a genuine trade union movement, independent of government control. The Tunisian General Trade Union Federation (UGTT) is the largest labor body with a membership of about 700,000 workers. A second federation, the National Federation of Tunisian Workers, was formed in 1984 by dissidents from the UGTT.

As a result of the Government's commitment to mass education for both sexes, the population is increasingly well-educated. Women enjoy equal legal status with men under Tunisian law in almost all respects. Traditional attitudes restrict, but do not bar, participation by women in economic and political life.

## RESPECT FOR HUMAN RIGHTS

## Section 1 Respect for the Integrity of the Person, Including Freedom from:

### a. Political Killing

There were no reports of politically motivated killings in 1984.

### b. Disappearance

There were no reports of disappearances in 1984.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There is reliable evidence that physical and psychological abuse of prisoners occasionally occurs. After the January unrest, abuse of rioters at local jails was widespread. Although it is thought that some senior officials turn a blind eye to such abuses, there are no examples of officially ordered or approved torture. There is no known evidence that any official was punished for brutality. In its report Torture in the Eighties, Amnesty International noted that it had received "numerous and consistent allegations of torture and ill treatment or punishment of political detainees in Tunisia."

Conditions in Tunisian detention centers and prisons are poor and in some instances injurious to health. Penal conditions and the alleged ill-treatment of prisoners have been the subjects of discussions between the Interior Ministry and the Tunisian League of Human Rights, whose representatives have also visited some prisons. In some cases conditions have improved as a result.

### d. Arbitrary Arrest, Detention, or Exile

Arrests following the January riots were often the result of denunciation or hearsay. Police made midnight arrests at several homes without producing warrants or informing relatives of the eventual place of detention. On occasion, judges accepted unexamined police testimony to arraign persons for trial. Prearraignment detention was often lengthy and defendants were held incommunicado, and pretrial detention lasted in some cases through July, when the final cases were tried. Former Interior Minister Driss Guiga went into voluntary exile after the riots rather than face related controversial charges of treason before the Tunisian High Court. He was found guilty in absentia.

Under the urging of the Tunisian League of Human Rights, the Government is reviewing the practice of preventive detention and is reportedly considering placing some statutory limit on incommunicado detention. There are presently no time limits.

### e. Denial of Fair Public Trial

Following the January riots, the judiciary was instructed by the President to take a serious view of rioting and public disorder. Subsequently, trials were conducted, with numerous irregularities. At a Tunis trial for homicide, the judge mocked lawyers, refused to admit evidence on one death, and bullied witnesses. At a meeting of their professional association, lawyers decided to boycott this judge. Defendants in later trials appeared before the judge without defense lawyers.

It is estimated that there are 50 political prisoners in Tunisia, down from 102 in 1983. Another 200 or so persons were sentenced to varying prison terms for offenses committed in connection with the January bread riots. In August, the Government released approximately 30 Islamic fundamentalists who had been imprisoned for illegal political activity in 1981. Most of the former prisoners have been able to return to their previous occupations, but some still await their reinstatement as teachers. Two Islamic fundamentalists who went into exile rather than face the 1981 trial have returned to the country without official harassment.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The privacy of the individual and of the home are generally respected. However, the security police sometimes secure blanket rather than specific judicial authorization for the arrest of individuals suspected of activities posing a security threat. Isolated incidents of the monitoring of correspondence and telephones are reported. In practice, the security police are not an obtrusive presence.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Tunisian citizens feel free to criticize the Government in private and, in more restrained terms, in public. The Government does not harass those who speak critically in public, but personal criticism of President Bourguiba is not allowed.

Tunisian law requires government permission prior to publication. During 1984, the Government suspended publication or seized issues of at least 10 publications. One independent publication failed due to financial losses during its suspension. The normal period of suspension is three to six months. Seizure depends upon the offending topic and varies with individual publications. One issue of Errai, an opposition weekly, was seized for printing an article on torture in Tunisian prisons and jails. In late October, the Government suspended for six months the sale of the independent weekly Realites for printing excerpts of an interview with an exiled Tunisian politician. In one case, the Government later rescinded its suspension of an opposition publication. The Government and the Destourian Socialist Party also bring pressure to bear on would-be advertisers in opposition publications. A wide variety of Western and Arabic language publications is available. On at least four occasions the Government seized foreign news publications which were critical of Tunisia, its government, or its politics; and on at least three occasions it seized editions of domestic publications.

Academic freedom is fully respected, and scholarly research is not subject to interference.

### b. Freedom of Peaceful Assembly and Association

The Constitution guarantees freedom of assembly, but government permission must be obtained to hold political meetings. Recognized political parties met freely during the year, and in most cases the unrecognized political parties were permitted to meet. There were approximately a dozen incidents in which unknown persons broke up opposition rallies, usually outside Tunis; some regional and local opposition political party headquarters were burned. These actions are thought to have been carried out by local chapters of the ruling party. Ruling party officials say these actions are not condoned. No charges have been brought, but the Government has expressed concern.

The principal labor organization, the Tunisian General Trade Union Federation (UGTT), held meetings without interference throughout Tunisia in 1984. In September, the Government issued a decree prohibiting union meetings at the workplace. Although strikes are legal, some strikers were arrested at strike sites; however, all strikers were released within 24 hours. The government practice of requiring certain union members to remain at work during strike actions has been the subject of a UGTT complaint to the International Labor Organization (ILO). The ILO has accepted the UGTT complaint and is investigating. On another matter, the ILO in 1984 urged the Tunisian Government to speed up its efforts to bring its legislation pertaining to rehabilitative work and civic service into conformity with the Convention on Forced Labor. The Government has stated that it plans to make the necessary changes and is cooperating fully with the ILO.

Professional associations are active. The Tunisian League of Human Rights, an independent group with branches in many parts of the country, holds regular meetings. Political, labor, and professional associations are allowed unhindered association with international bodies, although there are restrictions on the receipt of foreign funds.

### c. Freedom of Religion

Although Islam is the state religion of Tunisia, the Constitution guarantees religious freedom. The Tunisian Jewish community worships freely and maintains indigenous organizations with official protection. Christians, mostly non-Tunisians, freely attend church services. Proselytizing for religions other than Islam is discouraged. Under an agreement between the Vatican and the Tunisian Government, several Roman Catholic orders are active. There is no religious discrimination in private commerce and employment, although government employment is generally reserved for Muslims. Loyalty to the ruling party is considered a prerequisite to appointment as administrative personnel in the more than 2,000 mosques throughout the country.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There is no requirement for an internal passport in Tunisia and free movement within the country is allowed. Passports for foreign travel are easily available, but passports may be withheld if it is suspected that an individual has clandestine links to a foreign government. There is no restriction on emigration or repatriation.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

High government office is effectively restricted to members of the Destourian Socialist Party. There were no national elections during 1984; municipal elections are scheduled for May 1985 and some political parties have begun campaigning. Islamic political groups to date have not been allowed to function.

Participation in politics by women is limited by traditional attitudes but not by legal barriers.

## TUNISIA

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Tunisian League of Human Rights has met repeatedly with the highest government officials to discuss arrest and detention procedures. The League publishes a bulletin which details reported human rights abuses. It holds national meetings without hindrance. Tunisia also has shown a willingness to speak out to criticize human rights abuses in other countries. In its 1984 report, Amnesty International expressed its concern about the imprisonment of prisoners of conscience, procedures in political trials which fell short of internationally agreed standards, and continued allegations of torture and ill treatment of political detainees. Freedom House rates Tunisia as "partly free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Tunisia's resources continue to be heavily devoted to education and to economic and social development. There have been impressive gains in all of these areas. World Bank data showed 1982 per capita gross national product (GNP) at $1,386. While per capita GNP has continued to increase modestly in dinar terms, it has fallen somewhat in dollar terms since 1982 due to the dramatic strengthening of the dollar. There are regional disparities and pockets of severe poverty. School enrollment ratios are high: 103.68 percent of the eligible age groups in 1981 were enrolled in primary school. Roughly one-third of the country's operating budget is devoted to education, and of a population of about 7 million in 1984, approximately 1.6 million are in schools. Women have equal access to education by law, and approximately 40 percent of the primary/secondary school enrollment is female.

Adult literacy in 1975 was 38 percent. Participation by women in the work force is steady at 20 percent. Over 80 percent of women who are employed earn income placing them in the lower third of the income earning population. Life expectancy is about 62 years and infant mortality was 81 per 1000 births in 1984. The population growth rate was 2.4 percent in 1984, and the Government has an active program of family planning and birth control. The percentage of population with access to safe water in 1982 was 97 percent for urban areas and 25 percent in rural areas. Calorie supply as a percent of basic requirements in 1977 was 112 percent.

Legal equality between men and women is vigorously supported by the Tunisian Government. Equal rights in the areas of divorce and child custody are, for example, guaranteed by legislation. A small number of women serve throughout the Government at all levels; for example, there are 2 women cabinet ministers out of 24, there are at least 5 women jurists who have direct impact on cases they hear or review, and there are 7 women in the 132-member Chamber of Deputies. Nevertheless, the centralized nature of decisionmaking generally limits the influence of women in national decisionmaking. Despite the Government's efforts, traditional practices in many cases keep women, especially in the rural areas, from full attainment of their legal rights.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: TUNISIA

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 16.7 | 18.6 | 17.7 |
| LOANS.............. | 8.5 | 11.1 | 13.5 |
| GRANTS............. | 8.2 | 7.5 | 4.2 |
| A.AID ................. | 5.0 | 5.0 | 1.6 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 5.0 | 5.0 | 1.6 |
| (SEC.SUPP.ASSIST.)... | 5.0 | 5.0 | 1.5 |
| B.FOOD FOR PEACE....... | 10.6 | 12.6 | 14.7 |
| LOANS.............. | 8.5 | 11.1 | 13.5 |
| GRANTS............. | 2.1 | 1.5 | 1.2 |
| TITLE I-TOTAL.......... | 8.5 | 11.1 | 13.5 |
| REPAY. IN $-LOANS..... | 8.5 | 11.1 | 13.5 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 2.1 | 1.5 | 1.2 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY...... | 2.1 | 1.5 | 1.2 |
| C.OTHER ECON. ASSIST... | 1.1 | 1.0 | 1.4 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 1.1 | 1.0 | 1.4 |
| PEACE CORPS...... | 1.1 | 1.0 | 1.4 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 96.2 | 102.0 | 111.6 |
| LOANS.............. | 95.0 | 87.0 | 92.0 |
| GRANTS............. | 1.2 | 15.0 | 19.6 |
| A.MAP GRANTS........... | 0.0 | 13.8 | 18.0 |
| B.CREDIT FINANCING.... | 95.0 | 87.0 | 92.0 |
| C.INTL MIL.ED.TRNG.... | 1.2 | 1.2 | 1.6 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 112.9 | 120.6 | 129.3 |
| LOANS.............. | 103.5 | 98.1 | 105.5 |
| GRANTS............. | 9.4 | 22.5 | 23.8 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 216.1 | 151.1 | 220.8 | 1679.1 |
| IBRD | 160.5 | 148.8 | 135.1 | 1338.4 |
| IFC | 40.0 | 0.0 | 1.0 | 62.8 |
| IDA | 0.0 | 0.0 | 0.0 | 70.1 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 84.7 | 108.1 |
| UNDP | 3.6 | 0.8 | 0.0 | 47.8 |
| OTHER-UN | 0.0 | 1.5 | 0.0 | 10.9 |
| EEC | 12.0 | 0.0 | 0.0 | 41.0 |

## UNITED ARAB EMIRATES

The United Arab Emirates is a federation of seven small, traditional Arab shaykhdoms, formed in 1971 when Great Britain relinquished its special treaty relationship with the rulers. The emirates are unequal in size, population, natural resources and economic development. Abu Dhabi, the largest and wealthiest, serves as the national capital and has played a predominant role in the federation. Under Abu Dhabi's ruler, Shaykh Zayid, who is also president of the Emirates, considerable progress has been made toward the formation of an effective central government structure. However, the individual emirates continue to exercise extensive authority over their own economic resources and development planning, police and security forces, law courts, and social welfare policies. The rulers in each of the seven emirates have almost monarchical powers within their own domains. Although democratic institutions are lacking, there is considerable respect for personal freedom.

The Emirates' Islamic and tribal traditions have shaped its outlook on political and legal organization and its national leadership's attitude toward human rights. Under the Provisional Constitution adopted in 1971, political control in each emirate remains in the hands of its hereditary ruling families. The rulers of the seven emirates or their deputies form the Supreme Council, the nation's highest executive and legislative body, which rarely meets. The Supreme Council elects two of its members to be the federation's president and vice president. The president then appoints a prime minister and his cabinet.

Since 1971, the ruler of Abu Dhabi has been president of the federation; the ruler of Dubai, the emirate second to Abu Dhabi in power and influence, has served as vice president. Since 1979, the latter has also served as prime minister.

A Federal National Assembly of 40 members, appointed by the rulers of each emirate, advises the Government on legislation and reviews its operations. While the Assembly's views are not binding on the Government, in practice they are given serious consideration.

The population of the United Arab Emirates is about 1,260,000, including about 200,000 citizens hosting approximately 1 million guest workers. The presence of this large foreign population has not stirred up significant resentment among Emirate citizens, who tend to isolate themselves socially from the expatriates but regard foreign skills and labor as essential to their own prosperity. However, as oil revenues have decreased sharply, concern has mounted over the tremendous proportion of foreigners in the population. As a consequence, and to prevent expatriates--particularly Arab expatriates--from developing a vested interest in the society, the Government has become considerably more stringent in granting visas for dependents.

It has taken other measures to reduce the number of foreigners, including administrative deportations for infractions of the law, fees for health services, and restrictions on public education benefits. There have also been across-the-board layoffs, from the managerial level to unskilled laborers. The drawdown in population has proceeded relatively smoothly, with little disruption to the economy or the society.

## UNITED ARAB EMIRATES

There was little perceptible change in the Emirates' attitude toward human rights during 1984. Islamic and tribal traditions remain strong. There has been some recent movement toward the extension of jurisdiction of Muslim Shari'a law in limited areas, and in rare instances, usually involving powerful ruling families, the administration of tribal justice has taken precedence over applicable due process standards. Liberalization of social and governmental institutions proceeds gradually. In 1971, when the federation was founded, widespread illiteracy and a lack of political consciousness outside the tribal context were the norm. Thirteen years later, education of children is compulsory, and the literacy rate has risen to about 56 percent. Traditional, informal methods of decision-making are slowly evolving toward more structured and modern practices in the context of established governmental institutions.

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

There were no reports of political killing during 1984.

#### b. Disappearances

No disappearances were reported in 1984.

#### c. Torture and Cruel, Inhuman or Degrading Treatment or Punishment

The Provisional Constitution prohibits cruel or degrading treatment. Some emirates, including Abu Dhabi and Sharjah (the latter for alcohol offenses only), apply traditional Islamic procedures and penalties in criminal cases which are tried in religious (Shari'a) courts. Transgressions by Muslims of Shari'a law (drinking or possession of alcohol, or publicly violating the Ramadan Fast, for example) are punished by public caning, in addition to fines and/or imprisonment. Theoretically, the amputation of a hand for theft may be imposed by Shari'a courts, but there have been no known instances of this in recent years. Theft generally brings imprisonment and subsequent deportation if the offender is foreign. Prison conditions, while uncomfortable because of overcrowding and lack of air conditioning, are tolerable. Prison diet and medical care are adequate. Incarcerated individuals are permitted visits from family members, lawyers, and, if expatriates, from consular officials, although in practice consular access may be difficult to obtain. There is no evidence that the authorities condone mistreatment of prisoners or that abuse is practiced.

#### d. Arbitrary Arrest, Detention, or Exile

The laws of each emirate prohibit arrest or search without probable cause, and prolonged detention without trial is rare. An individual is usually charged within a few days. One report of arbitrary arrest and prolonged detention was received in 1984.

Although the Provisional Constitution does not specifically guarantee habeas corpus, police are generally required to report any arrest to a designated court judge within 48 hours. The judge then determines if there is sufficient evidence for a trial. If so, the individual is brought to trial fairly promptly; if not, he is released. There appear to be no instances of preventive detention. Exile as a form of punishment apparently does not exist.

### e. Denial of Fair Public Trial

The Emirate courts provide trials before experienced civil or religious judges. The judges are mainly Egyptians, Sudanese, and Palestinians since there are as yet few Emirate-citizen jurists. As foreign judges serve on limited employment contracts, they may not be independent enough to restrain the Government in a politically sensitive case. Interference in the judicial process by rulers of various emirates does occur. Dubai is a notable exception. The Provisional Constitution provides for broad judicial review powers. Except for the rare cases involving national security, ruling families and the executive agencies usually respect the independence of the courts. A ruler will occasionally pardon a convicted person or commute a sentence, but only subsequent to judicial proceedings.

There are no jury trials. In civil courts, the accused may be represented by counsel of his choice. No public defender system exists. Criminal courts based on European models function alongside the Islamic courts. Crimes and penalties are defined by law--civil or Shari'a--and the accused is presumed innocent until found guilty. In Shari'a court, counsel is not permitted. Definition of the crime and the penalty are drawn from religious sources.

Public access to trials may be limited to those with a concern in the case. If political or security matters are involved, access is severely restricted. No such trials took place in 1984. Special labor courts have been established to handle disputes between workers and employers and are widely believed to be fair in their judgments.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Provisional Constitution guarantees freedom from arbitrary search, and probable cause of criminal activity is required before they may enter a private home. There have not been reports of arbitrary interference with privacy during 1984. In prior years, such interference has occurred when national security considerations were involved.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Emirate citizens are constitutionally guaranteed freedom of speech, communication, religion, and assembly within the limits of the law. Individuals--citizen and foreign--may express their views orally on a wide range of public issues without fear of official harassment. Radio and television are owned by the Ministry of Information and Culture or by individual emirate governments. Sensitive subjects, including critical treatment of the Government or society, religion, or inter-Arab disputes, are avoided. There is television censorship of Western entertainment that might offend conservative Muslim sensibilities. A press law codifies the powers of censorship, media closure, and control of reporting. Newspapers are subsidized--not owned--by the Government. In practice, discreet guidance and self-censorship set the media tone. Mild criticism of poor execution of government policy is permitted, criticism of the policy itself or its formulation is not. There are no clear guidelines, however, regarding what is responsible and what is not. Visits by foreign journalists require Ministry of Information approval and controls on them have been tightened. Books, films, periodicals, and foreign newspapers are censored for coverage of subjects considered pornographic, derogatory of the Arabs or Islam, favorable to Israel, or critical of the ruling families. While enforcement is inconsistent, and material banned from publication or distribution in one emirate may appear in another, airport customs officers, particularly in Abu Dhabi, often confiscate books, magazines, newspapers, or videotapes with objectionable content.

### b. Freedom of Peaceful Assembly and Association

There are no political parties and all organized public gatherings must have permits. Clubs and other organizations must be licensed by the federal or emirate governments. Thus, by declining to issue a license or permit, the authorities can and do ban possibly worrisome political activities. In the fall of 1982, following the Sabra and Shatilla massacres, the authorities did permit three spontaneous demonstrations; they were peacefully controlled by security forces. Spontaneous demonstrations are usually not permitted. There were no similar demonstrations in 1983 or 1984.

Labor is not permitted to organize and there is no legal provision for the right to strike or to engage in collective bargaining. Foreign workers dare not strike; they would be summarily deported. Individual workers, or even small groups, may bring grievances to a conciliation committee at the Ministry of Labor, which will arbitrate the dispute. The rulings are widely regarded as fair. However, because of language barriers and the ignorance of many foreign laborers about the avenue for redress of grievances, the facility is not utilized as much as it might be. The Government is concerned about the labor conditions of foreign employees, particularly the semiskilled and unskilled. Aware that many have been misled and exploited by unscrupulous labor agents, it has tightened up considerably on visa procedures and work permits. The declining need for unskilled labor has engendered even more firmness in this regard, and people without proper documentation are promptly deported. The Government continues to improve the labor law covering conditions of employment, compensation, inspection of the workplace, and enforcement procedures. Some abuse of foreign labor persists, contrary to government policy, as enforcement is difficult and intermittent.

### c. Freedom of Religion

The Provisional Constitution establishes Islam as the state religion. Non-Muslims (virtually all of whom are aliens) are free to practice their faiths so long as this does not conflict with public policy or violate public morals. Christian churches and schools are officially tolerated and have occasionally received support from individual rulers. In

1982, the Abu Dhabi emirate placed stricter controls on both. Two Christian churches, once located on its principal thoroughfare, Corniche Road, were relocated and rebuilt on new suburban lots donated by Shaykh Zayid, thereby reducing the Christian profile in the city. Catholic priests and Protestant ministers are permitted to function in an open but discreet fashion. Traditional restrictions forbidding religious proselytizing of Muslims have been reemphasized. The Education Ministry has increased the pressure on private schools to enforce stricter sex segregation and to strengthen Arabic/Islamic studies for Muslim students.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restraints on freedom of movement within the country although visits to certain areas, such as oil installations, require permission from security authorities. Foreign travel and emigration for all citizens are unrestricted. Exit visas are not required. The right of return is extended to all Emirate citizens. Some non-citizens who leave the country for more than six months are not permitted to return. However, strictures on some categories of employees were relaxed in 1984. Although lacking formalized procedures for handling refugees or applications for political asylum, the country has traditionally provided a haven for many people of the area who have left their own countries for economic or political reasons. A United Nations Development Program office in Abu Dhabi helps those who claim refugee status get to a United Nations High Commissioner for Refugees (UNHCR) mission abroad. During the past year, many Iranian refugees have sought to enter the country, often illegally, and mainly by boat. Some have been allowed to remain, but they must demonstrate that they face retribution or persecution if repatriated to Iran. Increasingly, because of tensions emanating from the Gulf war and increased security concerns, plus the contracting economic situation, the overwhelming majority are intercepted by Emirate Coast Guard vessels and sent back. In a few cases, tacit permission to remain is granted. The Government has extended assistance to specific groups of refugees on an ad hoc basis and contributes to the United Nations Relief and Works Agency and UNHCR.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The United Arab Emirates has no formal democratic institutions and the mass of its people have no voice in the selection of their Government. The positions of the individual rulers are not defined by any constitutional document; their roles have evolved from traditional patriarchal concepts of authority exercised in nomadic societies. Primogeniture may be one element in choosing a successor. However, a ruling family generally selects its most capable and respected member to wield political power. The leading clan within the tribal society owes its position among other clans to its reputation for responsiveness and fairness in providing leadership and settling disputes.

Intermarriage between the ruling family and other influential families of other clans creates a nexus of informal channels which form the traditional basis for participation in the political process. Rulers try to develop a consensus before acting, which slows the decision-making process but mitigates against the need for harsh measures to compel compliance. The much-treasured tradition that any member of the society may approach the ruler to petition him in person tends to keep the latter from becoming too authoritarian or too remote from his subjects.

The Provisional Constitution, adopted in 1971, left the traditional political system in each emirate intact, and in effect extended that system to the federal-national level. Executive and legislative powers remain firmly in the hands of the seven rulers.

So far, Emirate citizens have not exerted pressure on the Government for formal democratic institutions. A small and privileged minority among the large numbers of expatriates, few citizens feel aggrieved. There is no suffrage for males or females. Women play no public role. Foreigners are expected to refrain from political activities; they jeopardize their residence status if they become involved in internal affairs.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The United Arab Emirates is responsive to foreign criticism of its human rights performance. Sensitivity to allegations of mistreatment of lower income foreign workers has resulted in efforts to give this group more legal protection by improving and updating the labor law. No human rights group visited the country in 1984. Amnesty International did not include the United Arab Emirates in its 1984 report. Freedom House calls the United Arab Emirates "partly free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The Emirates' population is about 1,260,000 and is currently growing at an annual rate of 4.4 percent. About 55 percent of the estimated 1 million guest workers are from South Asia; 25 to 30 percent are other Arabs, mostly Egyptians, Palestinians, and Lebanese; the remainder are Westerners and East Asians. Many of these foreigners occupy key managerial, professional, and technical posts in the public and petroleum sectors. Emirate citizens now predominate in government service.

Emirate nationals enjoy important benefits in real estate, business ownership, and government scholarships. Only nationals are eligible for promotion in government ministries and departments. Some foreigners have had government-financed scholarships, but this is being phased out. Few foreigners are offered citizenship, despite the fact that thousands, particularly professional-level Arab expatriates, have lived and worked there for many years, often occupying extremely responsible government positions.

Oil income has continued stable after a sharp decline in the first half of 1983. The Government still has ample funds for continued, though reduced, economic and social development. The recent glut in the oil market, however, has caused planners to cut budgets following a reassessment of national priorities. Export and reexport revenues for 1983 totaled $15.4 billion, making the 1982 per capita gross national product one of the highest in the world--$23,767. The per capita income of the lowest-paid segment of the population, laborers from the Indian subcontinent, is far below the average, but still about three times more than most could earn in their own countries. Medical treatment is free to all citizens. Foreigners must pay fees, instituted in 1983-84, for medical services. Within the last decade, life expectancy for citizens has increased from 55.4 years to 69 years because of improved health care and sanitary conditions. World Bank statistics show infant mortality at 37.5 per 1,000 live births in 1984. Previous figures had aroused public concern and prompted the Ministry of Health to review child care practices regarding sanitation and nutrition.

Abu Dhabi and Dubai, the two most industrialized of the Emirate states, have undertaken programs to expand the number of low-cost housing units. Water and electricity are provided to residential users at subsidized prices. As the country has very limited arable land and sparse water resources, most food is imported and the water is desalinated. Virtually the entire population has access to safe drinking water. Citizens, and foreigners to a more limited extent, may buy some basic commodities at subsidized prices.

Primary and secondary education is free for all citizens, as is university study at the United Arab Emirates University in Al-Ain. Foreigners who work in the Government have access to free primary education. Foreigners in the private sector must send their children to private schools, for which they must pay. Primary education is compulsory for nationals from ages 6 to 12. Within the last few years, teacher training programs have been expanded and large numbers of new schools built.

There are now 140,000 children of all nationalities attending about 400 primary and secondary schools. The most reliable estimates put the literacy rate at about 62.5 percent. In 1981, the primary school enrollment ratio for women was 92.9 percent of all primary school-aged girls in the population.

Traditional conservatism and strong family pressures, plus the still honored tradition of girls marrying in their early teens, have prevented many women citizens from continuing their education beyond the primary level. This in turn has limited their role in the economic and cultural life of the country. The number of Emirate women in the workforce is minimal. However, the Government is encouraging women to pursue their education, and they are beginning to find employment in the news media and government offices, as well as in the traditionally accepted fields of health and education. Women are permitted to drive automobiles and may appear in public unveiled.

The largest economic enterprises are state-owned or combine state ownership with private equity participation. Otherwise, commerce is relatively unrestricted, except for laws designed to ensure that Emirate citizens share in and control the nation's economic life.

## YEMEN ARAB REPUBLIC

The military has played a preeminent role in the Yemen Arab Republic (North Yemen) since it came into being in 1962. The current leader is Colonel Ali Abdullah Salih, President of the Republic, who assumed office in 1978 following the assassination of his two immediate predecessors, both of whom also came from the senior ranks of the military.

Until the Revolution of 1962, North Yemen was a theocracy isolated from much of the outside world. The bloody civil war that followed the revolution did not end until 1978. Portrayed as the legitimate heir of the Revolution, the present Government has relied heavily on military and security forces to bolster its position in the unstable political environment. Civilians serving as cabinet ministers or members of the Constituent Assembly play key roles in advising the President. The Government has not been able, however, to extend its authority into many regions still isolated by the rugged mountainous terrain. Tribal traditions, poorly developed public institutions, and widespread poverty also impede efforts to form a more cohesive society.

The state of human rights is greatly influenced by tribal and Islamic traditions. Most males bear arms and will use them to defend the integrity of their person and family. The state has a limited capability to govern and does not have a monoply on the use of force.

No currently serving government official has been elected to his office. However, nationwide elections to the People's General Congress (PGC) were held on a non partisan basis in 1982. This Congress was assembled to discuss and then endorse the "National Charter" which outlines the personal and democratic freedoms the Yemeni people should enjoy. (The Charter was drafted by a small circle of government officials and circulated in the country for comment.) The Congress assembled again in August 1984 to endorse government policies.

Human rights practices were strongly affected in recent years by the activities of the National Democratic Front (NDF), a foreign supported, Marxist oriented rural insurgency movement operating in the central and southern regions of the country. Fighting between government forces and the insurgents was at times heavy. Basic human rights of the population living in the affected areas were often violated in the wake of NDF terrorism and frequently repressive and indiscriminate anti-terrorist campaigns by government forces. The sharp reduction in NDF military activity since the summer of 1982 has led the Government to reduce its repressive practices. Anti-terrorist campaigns by the Government have abated, and travel restrictions have been lifted.

North Yemen is a poor country with an extremely limited industrial infrastructure. Petroleum deposits were discovered in 1984, but the quantity of reserves has not yet been determined. It has a free market economy in which freedom to hold private property and pursue private interests is virtually unlimited.

Overall, there was little change in the state of human rights in 1984. Gradual extension of the Government's authority since the subduing of the NDF, however, has increased the impact of arbitrary and sometimes oppressive practices of national security officials, whose effective jurisdiction was previously confined to the major urban centers.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

### a. Political Killing

There is no indication that government forces have been guilty of political killings in 1984. The Government's success in fighting the insurgents has resulted in a dramatic reduction of reported terrorist attacks against the civilian population or government forces in the past two years. There have been unconfirmed reports of occasional executions of suspected members of the NDF by villagers living in the areas where the insurgency was once active. Sporadic tribal warfare, either between tribes or, occasionally, between tribes and the Government, has also claimed victims.

### b. Disappearance

There have been credible reports that the national security organization occasionally resorts to secret arrest and clandestine detention. If the security forces suspect involvement in activity hostile to the Government, early release may be difficult to secure. However, family and friends are usually able to verify the whereabouts of the detainee within a few days. In rural areas, both the security forces and tribal militias occasionally take hostages to apply pressure on their adversaries.

### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The "National Charter" as well as several statutes proscribe the use of torture. There are a number of credible reports, however, that the police use force and intimidation to extract confessions from individuals suspected of both common and political crimes.

The legal code is based on Islamic Shari'a Law which prescribes such forms of punishment as amputation and stoning. Official figures on the application of such punishments are lacking; according to press reports, these penalties were applied only rarely in 1984. The implementation of these penalties is often waived in favor of monetary payment to the aggrieved party.

Some prisoners receive food, clothing, and medicine from their families to ameliorate the harsh conditions in most jails. Other prisoners must subsist on the limited diet and health care provided by the state. Those detained outside the major urban centers suffer more than others from the consequences of substandard care. Such procedures reflect the general poverty and poorly developed institutions as well as the attitude that the well being of prisoners is as much the responsibility of the family as of the state.

### d. Arbitrary Arrest, Detention, or Exile

Constitutional provisions limit the time police may hold suspects without explicit judicial authorization and establish procedures through which detainees may contact their families and lawyers. However, the legal safeguards have been ignored when special security forces have detained persons suspected of subversion.

Prominent public figures whose opposition to government policies falls short of outright subversion are rarely detained. Instead, they are sometimes forced to withdraw from public life and stay at home where their activities are closely monitored by the authorities. Usually, such figures are not subject to formal house arrest, but are simply told not to work for a time.

### e. Denial of Fair Public Trial

There are several types of courts, including traditional Shari'a (Islamic) courts, commercial courts, and special security courts. The Shari'a courts have jurisdiction in all cases that do not fall into the latter two categories, although there is overlapping jurisdiction in some commercial law cases. The Shari'a courts appear to be fair and impartial within the context of the Islamic tradition. The judge plays an active role in questioning the witnesses, seeking to establish guilt or innocence. Attorneys may counsel their clients, but do not address the court or examine witnesses. If the defendant is to be brought to trial, he is informed of the charges against him at the conclusion of the police investigation.

There is some possibility of appeal to political authorities outside the traditional Shari'a system. Anyone who can will seek to bring the influence of prominent people or government officials to bear in a case; however, the ability to do this varies according to the status of the defendant involved. In the commercial court, litigants can also expect a fair and open trial with legal counsel. The Shari'a and commercial courts in Yemen remain largely independent of the executive, though all decisions are subject to review and confirmation by the President.

Those formally charged with anti-regime activities are tried in special security courts convened at the direction of the President to handle specific cases. Rights normally afforded the accused may be suspended in security cases. All decisions made by the security court are subject to review and confirmation by the President. It is generally acknowledged that there are some political prisoners Rough estimates indicate several hundred may be held.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

National Security Forces operate under an open mandate to search homes, monitor telephone conversations, read personal correspondence, or otherwise intrude into private lives when they believe that the security of the state is jeopardized. The substantial amount of weaponry held by private citizens and the isolation of many villages from major urban centers militate against wanton invasion of privacy by the police in many rural areas.

## YEMEN ARAB REPUBLIC

### Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

A number of limits on free speech exist but their effect is limited to the urban, literate population by the Government's incomplete control over the country. The Information Ministry oversees the management of radio, television, and all newspapers and periodicals enjoying wide circulation. The limited number of privately owned publications occasionally criticize malfeasance by public officials or address economic issues, but generally avoid expressing opinions at variance with those of the Government. The Government has on several occasions removed articles before they could be published. It has also suspended publishing rights for extended periods to punish attempts at printing objectionable material. Editors of independent newspapers have been tried for libel against public officials. Foreign magazines and newspapers are sold in the major cities, but are subject to periodic censorship.

### b. Freedom of Peaceful Assembly and Association

There are no legal political parties. Political demonstrations, although not illegal, are rare and did not occur in 1984. The Government occasionally organizes rallies in support of its policies.

Labor unions and professional organizations play a very limited role in this predominantly rural and preindustrial society. Legislation outlaws strikes and prohibits independent labor unions.

Association of citizens with foreigners is closely monitored. The names of those visiting embassies or attending social functions hosted by foreigners are routinely monitored, and access is sometimes denied. Security officials have on occasion detained citizens for investigations of their possible links with foreigners.

There are organizations which provide alternative channels for political expression for Yemenis living outside the few urban centers. Large segments of the population in local communities play a role in selecting the leadership of so called "Local Development Associations" and influence their policies. These organizations use a mixture of local and national funding for economic and social infrastructure development. In any areas where the effective presence of the central Government is minimal, tribal leaders make key decisions in consultation with other prominent members of their community. Gradually, however, the authority of the National Security Organization has slowly penetrated previously autonomous local communities.

### c. Freedom of Religion

Islam is the state religion and that of the vast majority of Yemenis. Members of the Zaydi (Shi'a) sect have historically enjoyed greater political influence than those of the Shafei (Sunni) sect, but these distinctions have often been as much based on geographic and tribal considerations as on purely religious grounds. For the most part, the two major Islamic communities coexist without friction and seek to minimize the significance of doctrinal differences. Muslim associations with ties to pan-Islamic or foreign organizations enjoy some degree of freedom, including the right to operate schools largely independent of the national education system.

Although almost all of the once substantial Jewish population has emigrated to Israel, the small number of remaining Jews lives in peace with the Muslim majority. They practice their religion freely, suffer no unusual economic hardships, and maintain some very limited contact with Jews from outside Yemen. Communications between Jews and their coreligionists and relatives in Israel are proscribed. There is no indigenous Christian population. Foreign resident Christians are allowed to conduct private services, though they have no churches. Foreign clergy are not permitted into the country if their purpose is to preach religion; however, there is at least one Catholic priest working in social services. Public celebration of nonIslamic religious holidays is discouraged. Proselytizing is forbidden by law. Christian missionaries have operated hospitals for many years, but have experienced harassment from local authorities and the press for alleged missionary activities.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Throughout history many Yemenis have sought temporary or permanent employment abroad. The Government has not restricted this emigration in view of the importance remittances from abroad play in the national economy. Procedures for obtaining passports and compulsory exit permits are sometimes onerous, however, particularly for males who have not fulfilled their military service requirements. Political dissidents have frequently chosen self imposed foreign exile or have accepted official appointments abroad rather than face possible difficulties at home stemming from their political views. There are no restrictions on internal travel despite the presence of numerous security checkpoints on all major roads.

Several refugee groups have sought asylum in North Yemen. Approximately 2,700 armed members of the Palestine Liberation Organization sought refuge in the fall of 1982-1983, following their evacuation from Lebanon. Many moved on to other destinations in 1984. Perhaps as many as 250,000 South Yemenis have integrated themselves into North Yemen's economic life and society to escape political persecution. Refugee groups from the Horn of Africa have frequently sought residence in North Yemen, though often for economic rather than political reasons. The authorities have taken measures to restrict the flow of these national groups. For example, Somalis and Ethiopians without claim to Yemeni citizenship or clear demonstration of being political refugees find it difficult to obtain work permits and visa extensions.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The President makes key political decisions in the areas controlled by the Government. There is no mechanism for the people to choose or elect an alternative chief executive through free elections.

The People's Constituent Assembly reviews and ratifies legislation proposed by the President and the cabinet ministers he appoints. The Assembly has never disapproved the

President's policies. Members of this body were appointed by presidential decree in 1978. Once scheduled for 1983, parliamentary elections have not taken place and their timing is now uncertain.

Since its establishment by the Government in 1982, the People's General Congress (PGC) has functioned as a single mechanism for popular political expression. Seventy percent of the delegates to the 1,000 member Congress were selected in competitive elections. The delegates represent most segments of society; women, who have the right to vote, hold a few seats. Standing committees of the Congress meet at both the national and regional levels to give the "National Charter" a wide public audience, the principal task assigned to the Congress. The People's General Congress held its second national convention in August.

There are no legal opposition parties. Debate at times has reportedly been vigorous in the PGC, but the President and his advisors control the agenda. No attempt has been made to expand the scope of popular political discussions beyond the efforts made by members of the PGC to popularize the principles of the National Charter.

## Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

As far as is known, no major international or non-government organization has asked to conduct a survey in North Yemen. Amnesty International did not include North Yemen in its 1984 report. Freedom House rates it "not free." There are no active human rights organizations in North Yemen.

## ECONOMIC, SOCIAL AND CULTURAL SITUATION

North Yemen is among the poorest countries in the world. Standards of health and education are particularly low. Life expectancy at birth is estimated at 44 years and the rate of infant mortality is 149 per 1,000 live births. The latest statistics for access to safe drinking water (1976) were 2 percent in rural area and 30 percent in urban areas.

The per capita gross national product, estimated at $497 in 1982, is indicative of widespread poverty but this statistic provides a possibly misleading description of the society since as many as 1.5 million North Yemenis work abroad, principally in the wealthier countries of the Arabian Peninsula. The hard currency remittances of these workers and the number of consumer goods they bring back are key elements sustaining the national economy. Little of this wealth is available for investment in national development projects, however, as the Government has been unable to divert any significant proportion of it from private hands. Thus, many families enjoy relatively comfortable financial status at the same time the country as a whole lacks funds to finance development of basic infrastructure.

Ambitious plans were drafted to reconstruct villages devastated by a major earthquake in December 1982, but only preliminary construction activity had been started by the end of 1984.

The World Bank put adult literacy at 8.6 percent in 1980.

## YEMEN ARAB REPUBLIC

Educational opportunities have been expanded, but by 1980 the primary school enrollment ratio was only 38 percent of primary school age children. Boys attend school in far greater number than do girls.

Living in a conservative Islamic society which remained largely isolated from the modern world prior to 1962, few Yemeni women are employed outside the home or play an active role in public life. Education for women in significant numbers began only at the end of the Civil War in 1970. The Government has done nothing to restrict women's access to employment, however, and has promoted expansion of educational opportunities for girls and women. Women are now present in the middle levels of several ministries, such as the central planning organization, and one woman is in the constituent assembly. Prevailing social norms frequently dictate, however, that women defer to the guidance of their male colleagues and accept close supervision of their activities by male relatives. Women seeking exit permits for travel outside the country are frequently asked to provide evidence that male relatives have no objection.

Economic wealth is distributed on a relatively equal basis. Although often poor, many farmers own their land. Most citizens encounter no institutional barriers against pursuing their primary economic interests in the free market economy. Yemenis from nonArab ethnic groups or children of ethnically mixed marriages frequently encounter discriminatory treatment from public officials and are less successful in finding good jobs than other citizens. For example, the former slaves of African origin ("Akhdam") are often relegated to menial jobs such as street sweeping and trash collecting. However, this has not resulted in social unrest, given the many chances for migration available to Yemenis seeking more lucrative employment elsewhere.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: YEMEN ARAB REPUBLIC

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 25.7 | 29.2 | 31.4 |
| LOANS.............. | 0.0 | 0.0 | 3.0 |
| GRANTS............. | 25.7 | 29.2 | 28.4 |
| A.AID ................. | 23.3 | 28.1 | 27.4 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 23.3 | 28.1 | 27.4 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 1.2 | 0.0 | 3.1 |
| LOANS.............. | 0.0 | 0.0 | 3.0 |
| GRANTS............. | 1.2 | 0.0 | 0.1 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 3.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 3.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 1.2 | 0.0 | 0.1 |
| E.RELIEF.EC.DEV & WFP. | 1.2 | 0.0 | 0.1 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 1.2 | 1.1 | 0.9 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 1.2 | 1.1 | 0.9 |
| PEACE CORPS...... | 1.2 | 1.1 | 0.9 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 12.2 | 6.9 | 5.1 |
| LOANS.............. | 10.0 | 4.0 | 0.0 |
| GRANTS............. | 2.2 | 2.9 | 5.1 |
| A.MAP GRANTS.......... | 1.0 | 1.7 | 4.0 |
| B.CREDIT FINANCING.... | 10.0 | 4.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 1.2 | 1.2 | 1.1 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 37.9 | 36.1 | 36.5 |
| LOANS.............. | 10.0 | 4.0 | 3.0 |
| GRANTS............. | 27.9 | 32.1 | 33.5 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 45.6 | 53.6 | 56.0 | 450.9 |
| IBRD | 0.0 | 0.0 | 0.0 | 0.0 |
| IFC | 0.0 | 4.0 | 0.0 | 7.2 |
| IDA | 42.0 | 47.5 | 56.0 | 394.8 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 3.6 | 2.1 | 0.0 | 40.9 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 8.0 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

## THE PEOPLE'S DEMOCRATIC REPUBLIC OF YEMEN*

The People's Democratic Republic of Yemen (South Yemen) is a one-party state, dominated by a Marxist-Leninist political party dedicated to restructuring the economic and social order. The ruling Yemeni Socialist Party evolved from the National Liberation Front, which came to power at independence in 1967 following protracted civil conflict against both British colonial authorities and traditional South Arabian leaders and after a struggle among competing nationalist/revolutionary groups. The President, Ali Nasser Mohammed, came to office in mid-1979 upon the resignation of his predecessor, Abdul Al Fatah Ismail, who had gained office in 1978 after winning a power struggle within the ruling party. Ismail's predecessor, Salim Rubay'i Ali, was executed.

The Yemen Socialist Party hierarchy comprises the ruling group. Policy questions are decided by a small group of party and government officials, who have often demonstrated bitter factionalism. Officials losing power struggles have been placed under house arrest, forced into political exile, or executed.

South Yemeni society has experienced profound change since independence when much of the country outside the capital of Aden still existed in an extremely traditional state. Aden's leaders have sought to subject the tribes to party and central government control, with the result that entire groups, such as the traditional tribal leadership, religious elements, and the private business community have been eliminated from the political process.

Settlement of the nomadic Bedouin has been a major government effort. The Government has also sought to destroy the influence of the mercantile community in Aden. As a result of these efforts to restructure traditional society, large numbers of South Yemenis, perhaps 300,000 to 500,000 (or 15 to 25 percent of the population), have left the country, many for residence in neighboring North Yemen. Many thousands of others have emigrated to Saudi Arabia and the Persian Gulf states in search of employment.

Several years ago, the Government supported insurgency groups attempting to destabilize neighboring North Yemen and Oman: the National Democratic Front in the case of the former, and the Popular Front for the Liberation of Oman in the case of the latter. These groups operated out of sanctuaries in South Yemen with the knowledge, encouragement, and material support of the Aden regime. However, there is no recent evidence of government support for international terrorist activities.

Since a meeting between the heads of state of North and South Yemen in May 1982, a relatively stable truce has been in effect, under which the Government has withdrawn military support from the National Democratic Front. Meetings between the two Yemeni leaders take place periodically and have resulted in reduced tensions between the two countries.

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*The United States maintains no diplomatic mission in the People's Democratic Republic of Yemen, which severed diplomatic relations with the United States in 1969. It is difficult therefore to comment authoritatively on conditions in that country.

## PEOPLE'S DEMOCRATIC REPUBLIC OF YEMEN

Relations continue to improve between South Yemen and Oman since they announced their agreement to establish diplomatic relations in October 1983. The delineation of the South Yemen-Oman border is under negotiation and has still to be resolved; however, the Dhofar region near the border area has been relatively calm in the past several years. There is currently an agreement in effect with Oman which facilitates the return to Oman of Omani insurgents who were residing in South Yemen.

The Constitution purports to guarantee a wide range of human rights. In practice, however, South Yemen is a tightly controlled police state where the rights of individuals are subordinated to the political and economic interests of the ruling party and the Government.

### RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Political Killing

There is no evidence of political killings in 1984; however, South Yemen's recent history indicates that assassinations for political reasons have been condoned or perpetrated by party and government leaders.

#### b. Disappearance

Many opponents of the regime have disappeared. The whereabouts of several prisoners of conscience are unknown and there are fears that they may be dead.

#### c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Although the Constitution prohibits torture, there have been reports, from Freedom House among others, that torture is practiced. Prison conditions are said to be poor, with inadequate sanitary facilities, meager rations, and harsh treatment.

#### d. Arbitrary Arrest, Detention, or Exile

Although thousands of political opponents have been jailed and hundreds of thousands have fled into exile over the last 15 years, there is no direct evidence that arrests of members of the opposition occurred in 1984. In the case of political arrests, few legal guidelines exist to circumscribe state authority.

There continue to be reports of the detention and house arrest of South Yemeni political figures out of favor with the current regime, in addition to which one leader was recently exiled. Several prisoners have been detained since 1967 without trial. Although no current information is available, the evidence suggests that incommunicado detention has been practiced in the past.

#### e. Denial of Fair Public Trial

No reliable information on the judicial process is available, although it appears that trials of political offenders are closed.

## PEOPLE'S DEMOCRATIC REPUBLIC OF YEMEN

The last available estimate (1976) was that there might be as many as 10,000 political prisoners in South Yemen, but no current statistics are available.

Amnesty International continues to work on behalf of 20 prisoners of conscience.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government's attitude towards privacy is defined by its philosophy that the state's interests are supreme. A widespread informant system reportedly exists which severely circumscribes the individual's sense of freedom. South Yemeni law requires that anti-regime and anti-party statements be reported. The Constitution guarantees the sanctity of the home; however, this guarantee is waived in connection with "actions affecting the security of the revolution and in accordance with the law." International mail and telephone calls and the communications of suspect individuals are monitored.

## Section 2 Respect for Civil Rights, Including:

### a. Freedom of Speech and Press

Freedom of speech is sharply limited both by laws aimed at protecting the regime and by the existence of an informant system. Although guaranteed by law, freedom of the press does not exist in fact. Only a few foreign publications are available.

### b. Freedom of Peaceful Assembly and Association

Apparently, no public or professional associations except those sponsored by the Government or the party operate openly, and reports indicate that except for traditional religious and tribal functions, non-sanctioned public gatherings and associations are not allowed. The Government has made a concerted effort to suppress traditional tribal identificaton. Government-sponsored labor unions are under close party control. The Yemeni Socialist Party does, however, sponsor community meetings, which are generally held for political indoctrination. Association with foreigners is strictly controlled.

### c. Freedom of Religion

The Constitution declares Islam to be the state religion, but guarantees freedom of religious expression. In practice, the Government has attempted to minimize the influence of religious leaders, a large number of whom were arrested during the late 1960's and early 1970's. Sermons for Friday prayer in Aden are reportedly provided by the Ministry of Awqaf (i.e., religious trusts) Affairs.

### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government controls foreign travel, and South Yemenis are required to pay a deposit to insure their return. Restrictions on travel to North Yemen, however, seem to have eased during recent years as a result of improved relations between the two countries. Citizens are free to travel within their province of residence without restriction, and without special documentation for travel to other provinces except for some restricted security areas.

The Government has tried in the past several years to contact South Yemeni exiles living abroad to encourage them to return to Aden. Many exiles are skeptical of government motives and fear for their safety if they were to return.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Political power is concentrated within the highest levels of the Yemeni Socialist Party. Personal and factional allegiances play a major role in decision-making by the party leadership. The Constitution guarantees the right to vote to males and females over the age of 18, and elections are held regularly. However, only party-approved candidates may contest elections at any level, and no other parties or political action groups are permitted.

### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

Amnesty International continues to work for the release of 20 prisoners of conscience. Little official information has been made available on these cases or on other prisoners and, as in previous years, no responses of substance were received from the authorities to the numerous inquiries by Amnesty International. In its 1984 report, Amnesty International expressed concern over the continued long-term detention of prisoners of conscience, some of whom have been held without due process of law since independence in 1967, and over the use of capital punishment. Freedom House rates South Yemen "not free."

## ECONOMIC, SOCIAL, AND CULTURAL SITUATION

South Yemen has a population of 2.1 million, with an annual per capita income estimated at $475 in 1982. Some 40 percent of the labor force is employed in agriculture, which produces approximately 12 percent of gross domestic product. One-fourth of the population lives in the area of Aden, about 150,000 are nomadic Bedouin, and the rest are scattered in the rural areas. It is estimated that more than 150,000 men work in the oil-producing states of the Persian Gulf and Saudi Arabia, and their remittances constitute a crucial source of foreign exchange.

Health care is provided without charge. The number of hospitals has increased dramatically since independence, and there are a number of social welfare centers. Life expectancy at birth was 47 years in 1984, up from 36 years in 1960.

The Government has made a major effort to increase the literacy rate. In 1981, the primary school enrollment ratio was 82 percent of primary school age children. Illiterate adults are required to attend literacy classes.

Equality of the sexes is guaranteed by law. Women frequently hold government and service jobs. Polygamy, child marriage, and arranged marriage are prohibited. There is little current information on the status of minorities, although a few Indians and Somalis are known to reside in the country.

There is an extreme housing shortage, particularly in Aden, aggravated by the 1982 flood. Living space is rationed according to the size of the family. Foreign visitors have remarked on the existence of "shanty towns" on the outskirts of the city. Housing applications are initiated through the local branches of the Yemeni Socialist Party.

There are frequent food shortages. Basic food items which are in short supply, such as rice, sugar, and cooking oil, are rationed.

## U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: YEMEN, PEOPLES DEM REP OF

| | 1982 | 1983 | 1984 |
|---|---|---|---|
| I.ECON. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.AID .................. | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| (SEC.SUPP.ASSIST.)... | 0.0 | 0.0 | 0.0 |
| B.FOOD FOR PEACE....... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| TITLE I-TOTAL.......... | 0.0 | 0.0 | 0.0 |
| REPAY. IN $-LOANS..... | 0.0 | 0.0 | 0.0 |
| PAY. IN FOR. CURR..... | 0.0 | 0.0 | 0.0 |
| TITLE II-TOTAL......... | 0.0 | 0.0 | 0.0 |
| E.RELIEF.EC.DEV & WFP. | 0.0 | 0.0 | 0.0 |
| VOL.RELIEF AGENCY..... | 0.0 | 0.0 | 0.0 |
| C.OTHER ECON. ASSIST... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| PEACE CORPS...... | 0.0 | 0.0 | 0.0 |
| NARCOTICS........ | 0.0 | 0.0 | 0.0 |
| OTHER............ | 0.0 | 0.0 | 0.0 |
| II.MIL. ASSIST.-TOTAL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| A.MAP GRANTS.......... | 0.0 | 0.0 | 0.0 |
| B.CREDIT FINANCING.... | 0.0 | 0.0 | 0.0 |
| C.INTL MIL.ED.TRNG.... | 0.0 | 0.0 | 0.0 |
| D.TRAN-EXCESS STOCK... | 0.0 | 0.0 | 0.0 |
| E.OTHER GRANTS........ | 0.0 | 0.0 | 0.0 |
| III.TOTAL ECON. & MIL... | 0.0 | 0.0 | 0.0 |
| LOANS.............. | 0.0 | 0.0 | 0.0 |
| GRANTS............. | 0.0 | 0.0 | 0.0 |
| OTHER US LOANS.......... | 0.0 | 0.0 | 0.0 |
| EX-IM BANK LOANS....... | 0.0 | 0.0 | 0.0 |
| ALL OTHER.............. | 0.0 | 0.0 | 0.0 |

ASSISTANCE FROM INTERNATIONAL AGENCIES

| | 1982 | 1983 | 1984 | 1946-84 |
|---|---|---|---|---|
| TOTAL........ | 25.0 | 24.5 | 17.4 | 207.2 |
| IBRD | 0.0 | 0.0 | 0.0 | 0.0 |
| IFC | 0.0 | 0.0 | 0.0 | 0.0 |
| IDA | 19.5 | 23.6 | 17.4 | 170.0 |
| IDB | 0.0 | 0.0 | 0.0 | 0.0 |
| ADB | 0.0 | 0.0 | 0.0 | 0.0 |
| AFDB | 0.0 | 0.0 | 0.0 | 0.0 |
| UNDP | 5.5 | 0.9 | 0.0 | 27.9 |
| OTHER-UN | 0.0 | 0.0 | 0.0 | 9.3 |
| EEC | 0.0 | 0.0 | 0.0 | 0.0 |

# APPENDIX A

## United States Human Rights Policy

Background: Human rights are central to America's concept of itself and are at the core of US foreign policy. In 1776, our government became the first specifically created to preserve human rights; our Declaration of Independence even speaks of "certain unalienable rights" with which all people are "endowed by their Creator." Such rights cannot be granted by any government; rather they are "unalienable" because, based on "the laws of nature," they belong to everyone. Because human rights have always been inseparable from American identity, it follows that a human rights policy is more than just an appendage to our foreign policy. Our humane traditions separate us from those who deny human rights and embody America's attraction to people all over the world. Unfortunately, this intention to secure rights everywhere does not translate itself easily into an effective human rights policy. Devising a policy that works well is a complex matter.

Definition of human rights: The US Government recognizes two categories of human rights. First, all individuals should be free from violations of the "integrity of the person," such as political killings, torture, cruel treatment or punishment, arbitrary arrest or imprisonment, denial of fair public trial, or arbitrary interference in personal life. Second, the government recognizes a group of political and civil rights, encompassing freedom of religion, speech, and press; freedom of association, including the right to form free trade unions; freedom of movement both within and outside national borders; freedom from discrimination on grounds of race and sex; and the right of citizens to change their government.

The additional concept of "economic, social, and cultural rights," as it has evolved over the last 25 years, includes such desirable ends as the "right to economic development," the "right to employment," and "the right to health care." Considerable American foreign aid efforts have been activated by the moral imperative to eliminate starvation, poverty, and disease from the world. The idea of "economic and social rights" is easily abused, however, by repressive governments claiming that in order to promote these "rights" they may deny their citizens the right to integrity of the person as well as political and civil rights. We believe that no excuse justifies the denial of basic human rights. Today, terrorist and guerrilla groups often violate human rights. These violators must be judged by the same standards as those applied to governments. An act of murder or torture or intimidation is no less reprehensible if committed by violent opponents of the government than if it is committed by the government itself.

Human rights and foreign policy: The US Government closely follows human rights developments and reports annually to Congress on the practices of other countries in these "Country Reports on Human Rights Practices." In addition to documenting and reacting to rights violations, our human rights policy includes a more positive side as well. Because democracy and the rule of law are the only enduring guarantees of human rights, we seek to encourage the growth of democracy throughout the world.

Reactive approach: Over the past 4 years, the US Government has employed various techniques to respond to specific human rights violations. In dealing with friendly governments, we engage in frank diplomatic exchanges often called "quiet diplomacy." This refers only to the confidentiality required for diplomatic efforts used in attempting to stop violations, not to the intensity of those efforts. Although we are unable to claim credit publicly, US representatives often have been instrumental in halting violations by governments with whom we share common interests.

Where diplomatic approaches are ineffective or where our influence is minimal, we dissociate ourselves from human rights abuses by denying economic and military assistance, by denying licenses for the export of crime control equipment, and by denying diplomatic support. Where appropriate, we have distanced ourselves from human rights violations by public statements. For example, the US Government has raised human rights concerns publicly in both friendly and unfriendly countries, such as Iran, South Africa, the USSR, Uganda, Poland, El Salvador, Nicaragua, Chile, Sudan, and Afghanistan. In most cases, we employ a combination of traditional diplomacy and public affirmations of US interest in human rights problems. Although our methods vary according to the country in question and its relationship to the US, our goal of pursuing human rights by the most effective means remains constant.

Positive approach: Reacting to persistent rights violations is not enough; the abuses we stop are likely to recur so long as the system responsible for them does not change. Thus, the Reagan Administration has designed a long-term strategy to encourage development of democratic institutions that will allow human rights to flourish. Through the newly established National Endowment for Democracy, both major US political parties, labor unions, business groups, and many private instituions are working together in programs designed to promote democratic practices abroad. In addition, through Section 116(e) of the Foreign Assistance Act, more than $3 million is disbursed annually by the Agency for International Development for programs designed to promote civil and political rights abroad. These efforts reinforce a powerful trend toward democracy. Since November 1980, for example, more people have voted in more elections in more countries in Latin America and the Caribbean than in any previous 4 years. As the strongest nation that believes in human rights, we help defend human dignity by promoting democracy.

# APPENDIX B

## Democracy and the Problem of Human Rights

The relationship between democracy and human rights, which is at the core of United States human rights policy, is examined in the following discussion repeated from the Introduction to last year's Country Reports.

The human rights work traditionally done by the State Department differs from most other kinds of work undertaken in foreign policy. In other areas, diplomatic effort frequently culminates in major transformations: an arms control treaty, a treaty resolving a major conflict, an alliance between ourselves and another country, a diplomatic opening to a heretofore hostile country, a successful military action in defense of our friends, a new aid program. These are actions that may change the international system. Our case-by-case human rights work, in its very specific nature, cannot effect such changes. Of all the areas of traditional human rights work it is perhaps only in the international organizations, where we can sometimes obtain a vote publicly identifying a major human rights violation, that our work is most marked by spectacular events similar to those that can take place in other areas of foreign policy. Thus, the criteria of success in human rights work are inherently less clear, and human rights work is inherently more frustrating for those doing it than other branches of diplomacy.

### Democracy and Human Rights

For this reason, the Reagan administration has developed a two-track human rights policy. The first track is embodied in the way we oppose specific human rights violations over the short term. Thus, to take only public activities, we have spoken out against such gross affronts to human rights as the incarceration of Soviet dissidents in psychiatric wards and the resurgence of officially sponsored anti-Semitism in the Soviet Union; the barbaric persecution of adherents of the Baha'i faith in Iran; the institutionalization of racial injustice by the apartheid system in South Africa; the destruction of the free trade union movement, Solidarity, in Poland; the activities of the "death squads" in El Salvador; the persecution of the Miskito Indians in Nicaragua; and the use of outlawed toxic weapons by Soviet forces in Afghanistan and Vietnamese forces in Cambodia. In these and other cases of human rights abuse, we have made use of such influence as we possess to help individual victims.

At the same time, we have addressed the long range need to create a system of government which institutionalizes the protection of human rights. For just as the creation of an economic system which promotes growth and prosperity is a better long-term solution to the problem of poverty than repeated acts of charity, so, too, the creation of a system of government which safeguards human rights is a better long-range response to the problem of human rights abuse than repeated, case-by-case diplomatic representations.

This, then, is the second track of United States human rights policy: the long term development of democratic governments, which are the surest safeguard of human rights. President

Reagan has made the encouragement of democracy throughout the world a central goal. Too often our human rights policy has been simply reactive, responding to violations after they have occurred rather than working to prevent them. The President has sought to go beyond this to an active, positive human rights policy.

The President outlined his conception in a speech to Parliament in London in June 1982, when he announced that the chairmen of the national Republican and Democratic parties were initiating a study to determine how the United States could best contribute to the global campaign for democracy. That study has now resulted in the establishment of a National Endowment for Democracy, which will greatly expand the involvement of our two major political parties, as well as labor, business and other private institutions, in programs designed to promote democratic institutions and practices abroad. Such programs will be insulated from United States Government control, and will respond to the needs of men and women working for democracy in their own societies.

Even before funding the National Endowment for Democracy, Congress had established one human rights program on the positive side. Section 116(e) of the Foreign Assistance Act provides Agency for International Development (AID) funding for programs and activities which encourage or promote increased adherence to civil and political rights in countries eligible for United States bilateral assistance. Activities include support for the development of guidelines for election observers, support for human rights education and training programs, and support for programs aimed at assisting government and private legal institutions abroad.

The impetus behind the second track of our human rights policy is the recognition that a close connection exists between a democratic form of government and respect for human rights. As both the State Department's Country Reports on Human Rights Practices and the reports of independent human rights groups, such as Freedom House, have repeatedly demonstrated, most democracies have excellent human rights records. Nor is this merely a coincidence. Democracy, after all, is a form of government which is based on the freely given consent of the governed. But consent can only be freely given if the means for the free expression of consent, or of dissent, exist; such means include freedom of speech, freedom of press, freedom of assembly and association, an independent judiciary, and free elections. Thus, respect for human rights is built into the very foundations of the democratic form of government.

All this is not to say that serious human rights violations can never take place in a democracy. But because free, competitive, and periodic elections make the government accountable for its actions to the electorate, such violations as do occur tend to be self-correcting over time. As Thomas Jefferson pointed out in his First Inaugural Address, free elections are "a mild and safe corrective of abuses which are lopped off by the sword of the revolution where peaceable remedies are unprovided." In its capacity to initiate a thoroughgoing process of peaceful reform, democracy differs fundamentally from all other forms of government. Democracy is therefore the nearest thing we have to a guarantee of human rights.

Moreover, democratic government is also a precondition to the achievement of social justice. Recent events in Poland vividly confirm this. A basic grievance voiced by Solidarity was that members of the Polish Communist Party had ready access to the best food stores, the best medical care, and the best shops, while the ordinary Polish worker had access to none of these things. The Communist ruling class in the Soviet Union, responded to this grievance by imposing martial law, outlawing Solidarity, and holding its leader, Lech Walesa, incommunicado for many months. Today, Poland remains bitterly divided between the rulers and the ruled. That this has occurred in a self-proclaimed "Workers' State" only serves to underscore the absolute necessity of making the government accountable to the governed. For, to quote Jefferson once more, "Every government degenerates when trusted to the rulers of the people alone."

## Democracy and Minority Rights

It is so true that democracy guarantees human rights that it requires an effort to bring to mind the apparent exceptions. Minority rights is the greatest of these. For long periods in the United States, as in other democracies, the rights of minorities were systematically violated by the majority. It is no accident that this is the greatest exception to the effectiveness of democracy as a guarantee of human rights. If democracy makes the government responsible to the will of the majority, it can, in theory, also become the vehicle whereby the majority disenfranchises the minority. To prevent this from happening, a means must be devised to reconcile majority rule with minority rights. As James Madison warned in Federalist Paper No. 10, the democratic form of government might enable a majority "to sacrifice to its ruling passion or interest both the public good and the rights of other citizens. To secure the public good and private rights against the danger of such a faction, and at the same time to preserve the spirit and the form of popular government, is then the great object" of the authors of the Constitution.

In the understanding of American statesmen who wrestled with this problem, two elements of democratic political life can be brought into play against the deprivation of minority rights. The first is equality. Democratic political life implies natural equality, and this is ultimately incompatible with the subordination of minorities. Abraham Lincoln thus regarded equality as the central principle of American democracy:

> Public opinion, on any subject, always has a "central idea," from which all its minor thoughts radiate. That "central idea" in our political public opinion at the beginning was, and until recently has continued to be, "the equality of men." And although it has always submitted patiently to whatever of inequality there seemed to be as a matter of actual necessity, its constant working has been a steady progress toward the practical equality of all men.

The second democratic guard against the loss of minority rights is more practical. In order to secure minority rights against an overbearing majority, the makers of the American Revolution set out to encourage what James Madison called "a multiplicity of interests" throughout the United States. When society consists of a "great variety of interests, parties, and sects," wrote Madison in Federalist Paper No. 51, "a coalition of the majority of the whole society could seldom take place on any other principles than those of justice and the general good." With society "broken into so many parts, interests and classes of citizens," Madison concluded, "the rights of individuals, or of the minority, will be in little danger from interested combinations of the majority." In short, the security of minority rights depends on the diversity of interests in society: the greater the diversity, the more secure the rights.

This diversity tends to guarantee human rights in another and even more practical way. Democracy works by making respect for human rights not only a matter of principles but of interests. A free press has a natural interest in securing freedom of opinion, as free churches have in securing freedom of religion. Lawyers who are accustomed to independence are naturally insistent on the right to a fair trial. Teachers who are accustomed to professing their own opinions are likely to insist on academic freedom.

This, then, is the formula devised by the framers of the American democratic constitution to reconcile majority rule with minority rights: democratic government in the political sphere, diversity and pluralism in the social sphere, both operating under the principle of equality.

With this situation we should compare minority rights under communism. The principles of the Bolshevik Revolution were thoroughly internationalist and egalitarian, but the greatest real equality between the nationalities of the Soviet Union existed in the 1920's. Since then minority rights have been systematically, even brutally, eroded.

In the early years of Soviet history the party organizations in many of the national republics were dominated by local people, and were able in certain cases to work out indigenous versions of communism. At the national level, there were strict restraints on "Great Russian chauvinism," and many of the Soviet leaders in Moscow were neither Russians nor Slavs. Subsequently, there were massive purges of the local communist parties, together with the purging of many indigenous elements from the national literatures and from the languages themselves. Today the Russian people is given a special status above the others, and any expression of national distinctiveness is potentially open to criticism as "bourgeois nationalism." The national republics have Russian Second Secretaries to assure their fidelity to central policy, and it is taken for granted that the General Secretary must be a Russian or at least a Slav.

This fact presents a vivid contrast to the position of minority rights in democratic countries, where the original principles of equality have again and again been restored. Abraham Lincoln did not discover his opposition to slavery as something new, but rediscovered the implication of the Declaration of Independence when it declared that all men are created equal. Indeed, the principles of equal rights were not only restored again and again, but restored in a more exact form. At the time of the American Revolution, women and most blacks did not share in voting. But their right to do so was somehow latent in the principle that all men are created equal. It took about a hundred and fifty years for women to be admitted to democratic self-governance in the United

States. It took a century to resolve the question of black suffrage constitutionally, and nearly two centuries for full voting rights to be guaranteed. But these changes were made, and they were made by returning to the principles of natural equality enunciated at the founding. What is the reason for this evident contrast between two systems, one in which the founding principles were progressively eroded and compromised, the other in which they unfolded and developed?

Perhaps the answer lies in the fact that in the Soviet Union the realization of political principles is entrusted entirely to a central government. And that central government organizes and directs all activity within the country. Thus there can be no writers who freely point out the oppression of minorities, no civil rights groups to point out the forgetting of the founding principles of the regime, no new party founded--as the Republican Party was founded during the 1850's--to challenge injustice to minorities. There are, in the Soviet order, no groups, factions and organizations which themselves interpret, resort to, and reassert the political ideals of the regime. In the absence of such diversity the interpretation of the regime's founding principles is the interpretation given by the central government. Of course, as time passes that government will be pressed by various tactical necessities to compromise its original principles. Having compromised its principles for tactical reasons, a government which is the authoritative interpreter of national tradition will be compelled to reinterpret and corrupt that tradition to conform to its tactical needs.

It is different when the society, and not the government, is the guardian of the country's principles. Independent organizations, groups, and factions are free to reassert the founding principles, such as equality or religious freedom, in a pure form. It is then for the democratic political process to compromise among these statements of principles when they conflict, and not for the government to do so. Thus the historical fact--the vitality and growth of the founding principles in democracies and their erosion in totalitarian regimes--should not be so surprising. It follows from the diversity of the society, which Madison recommended and which modern democracies embody in practice. The measure of its success may be gauged by the fact that whereas before the American Revolution, democratic government was held in such disrepute that Madison felt obliged to rescue it "from the opprobrium under which it has so long labored," today democracy has seized the imagination of the world to such an extent that even the most despotic regime feels obliged to refer to the people as the source of its legitimacy, and to hold periodic elections, however bogus.

Diversity and Human Rights

In framing its current human rights policy, the United States Government has tried to draw on the tradition of democratic thinking. Thus, one of the goals of our democracy initiative is to encourage diversity and pluralism in non-democratic societies. We believe that once a "multiplicity of interest" begins to flourish in the economic sphere, the educational sphere, the religious sphere, the cultural sphere, and the social sphere, it becomes increasingly difficult for non-democratic governments to exclude a similar degree of diversity in the political sphere. Democratic legitimacy--the notion that "the people" must somehow rule--is a powerful force in the modern world, but it will never be effectively embodied in institutions until there is a "great variety of interests, parties and sects." Looking around the world, there are some grounds for the generalization that democracy has been more successful in establishing itself in countries where there were multiple centers of power than in countries where social activity was organized from a center that dominated the whole life of the nation. For example, democracy has tended to be more successful in countries that had a tradition of feudalism than in those were absolute monarchy was important: more successful in Japan than in China, in Nigeria than in Uganda. The return to democratic government in recent years in Spain, Portugal, Greece and Argentina--countries where the abandonment of diversity in the political sphere never led to the abrogation of diversity in the social sphere--would seem to confirm the accuracy of this view. By encouraging social diversity, the United States is now helping to promote the transformation of non-democratic regimes into democratic ones.

Unfortunately, not all dictatorships are prepared to tolerate a measure of diversity in the non-political sphere. The twentieth century has witnessed a new phenomenon, the emergence of totalitarian dictatorship, in its communist and fascist varieties. Totalitarian regimes, besides maintaining a monopoly on political activity, also claim the authority to direct all economic, social and cultural developments towards the attainment of a utopian image of man's future. In communist or fascist states, society is not permitted to exist in its diversity as an autonomous entity, capable of exerting pressure on the regime. After the Second World War extinguished the fascist totalitarian regimes, communist regimes remain the most hostile to internal diversity. It is no coincidence, then, that while a number of non-communist dictatorships have evolved into democratic regimes, the world has yet to witness the peaceful transformation of a single communist dictatorship into a democracy. Poland--an apparent exception to this generalization--is the only Soviet bloc state without a system of collectivized agriculture, as well as the one with the strongest independent church.

This distinction between communist and non-communist dictatorships has obvious implications for human rights policy. All dictatorships--both on the left and the right--engage in serious human rights violations. All human rights violations, in turn, deserve to be condemned. But while non-communist dictatorships are capable, to varying degrees, or evolving into democracies, communist dictatorships are singularly resistant to democratization. Because communist and non-communist dictatorships differ so radically in their potentialities for the future, it follows that preventing communist dictatorships from establishing themselves ought to be an especially high priority of any realistic and serious human rights policy.

This is not to say that similar human rights violations by communist and non-communist governments ought to be treated differently. But in a situation of instability, where a government such as Somoza's or the Shah's may shatter and be succeeded by another very different form of government, these distinctions become relevant. When we take our bearings not only by the human rights symptoms but by their causes, the difference between types of political systems can become crucial.

## Why It Is Not Futile To Support Democracy

Thus the experience of practical human rights work strengthens the analysis that leads us from human rights case work by itself, toward addressing underlying systemic problems. It shows that if we are going to produce major changes in human rights conditions, we can only do so by changing political systems--by encouraging democracy. The preceding analysis does not in itself show that the encouragement of democracy is a feasible undertaking. To see why it is, we need to look beyond our own times. When we seek, on top of eliminating human rights violations in specific cases, to change entire systems, it might seem that we go beyond the difficult to the truly utopian. Such a conclusion would be absolutely correct if we ignored the difference between the long term and the short term. At any particular time in the past it was indeed utopian to believe that absolute monarchy, slavery, or serfdom could be abolished. But all these things were abolished. If we see only our particular moment in history, things will seem impregnable that are already being eroded by unseen but vast tides of history. In fact, any efforts we make on behalf of democracy, small as they may be, are sustained by democracy's gradual expansion since the days of the American Revolution. In 1790, there existed only two democratic republics: the United States and part of Switzerland. By 1909, there were a number of constitutional monarchies, but the tenacity of the old order was shown by the fact that there were still only three democratic republics outside the Western Hemisphere: France, Switzerland and Liberia. Today, there are fifty genuine democracies, comprising about a third of the world's population, and enjoying both the full panoply of political and civil liberties and--taken as a group--the world's highest standard of economic well-being.

Whenever a non-democratic country embarks upon a process of political reform, democracy is always on the agenda. Today, with the exception of a handful of remote monarchies, all governments claim to base their legitimacy on the consent of the governed. Democracy confers the most powerful form of legitimacy in the modern world. Our times display a remarkable paradox: the victory of democracy is virtually complete in principle, but still limited in practice. This paradox should teach us something both about the weakness of democracy and about its strength.

The only alternative to democracy as a contemporary system of legitimacy is Marxism-Leninism. Developing countries, when they choose their institutions and officers, choose either the forms of democracy or those of Marxism-Leninism. They have either a President or a General Secretary, either a Parliament or a Central Committee, or some combination. While democracy empowers the people through the operation of free institutions, Marxism-Leninism empowers a tiny elite; while democracy welcomes and encourages social diversity, Marxism-Leninism seeks to eradicate it; while democracy stresses the inalienable rights of its citizens, Marxism-Leninism emphasizes their duties--particularly their duty not to engage in whatever activity the party deems "counterrevolutionary." Yet even while Marxism-Leninism departs so fundamentally from democratic theory and practice, it, too, has been compelled by the strength of the democratic idea to adopt the rhetoric of democracy and pretend that it responds to the popular will.

It follows that the task of believers in democracy is not to impose democracy on a world bitterly opposed to it, but rather to help fulfill the expectations that every people acknowledges for itself. These expectations are contained in such documents as the Universal Declaration of Human Rights, proclaimed by the General Assembly of the United Nations in 1948, "as a common standard of achievement for all peoples and all nations." No people knowingly resigns the right to choose its own destiny. No one would voluntarily choose to be deprived of his or her human rights. Yet despite these self-evident truths, there are a number of widespread fallacies about democracy which often make us misunderstand its appeal, and misjudge its possibilities.

## Three Fallacies About Democracy

Perhaps the most widely held fallacy about the democratic form of government is that it is an exclusively North Atlantic phenomenon. The facts, of course, are otherwise. Neither India nor Japan, Costa Rica nor Botswana, Senegal nor Fiji belong to the North Atlantic constellation of states; all are thriving democracies.

Nor is democracy in such countries necessarily an import from the North Atlantic area. Many peoples have some form of democracy as part of their heritage. In 1700 there were more extensive areas of democracy in Africa than in Europe, because the societies called "primitive" by colonialism carried on their decision making by democratic means. Conversely, there was probably never as great a loss of human freedom in a short period of time as in the years 1884 to 1900, when these societies came under colonial administration from outside. Yet the tenacity with which the North Atlantic nature of democracy is held suggests that it is based on an underlying presupposition: the relativist assumption that freedom's appeal does not derive from something inherent in human nature, but is merely the result of a particular form of cultural conditioning. The fact, however, that so many people from different cultures have taken enormous risks to escape from closed societies to free societies makes this notion difficult to sustain. Perhaps this idea has as its ultimate source, not the observation of the world but the self-doubt of the North Atlantic democracies, which seek an excuse for reluctance to affirm their own democratic principles.

A related fallacy about the democratic form of government is that it can only take hold in wealthy societies. Yet when Switzerland and the United States established democratic governments, both were poor agrarian countries. Today, while many democracies are advanced industrial states, some are not. That democracy issues from great wealth would surprise Indians or Barbadians or Botswanans! By freeing untapped social energies and providing opportunities for their exercise, democracy often facilitates the creation of wealth. Nothing indicates, however, that a wealthy society is an absolute *precondition* for the establishment of democracy.

A third fallacy about democracy is that its promotion is incompatible with peace, because advocacy of democracy means interference in the internal affairs of other countries. In fact, it is not the advocacy of human rights, but the denial of human rights that is the greater source of tension in world politics. As Secretary of State George Shultz has stated,

> In Europe, as elsewhere, governments that are not at peace with their own people are unlikely to be on good terms with their neighbors. The only significant use of military force on the continent of Europe since 1945 has been by the Soviet Union against its East European "allies." As long as this unnatural relationship continues between the USSR and its East European neighbors, it is bound to be a source of instability in Europe.

How many wars have begun at the hands of armies of occupation, how many have begun due to the denial of self-determination to peoples, to failures to accord citizens the right to govern themselves? In our time, at least, democracies have been less aggressive, less oriented toward military power than other systems. The most stable zones of the world--Western Europe and North America--are zones of democracy. History has also shown that alliances with democracies tend to be more stable, because a single man does not have the power to reverse longstanding relationships embedded in a wider social reality. Thus, a democratic international environment is more stable and predictable, and produces fewer tensions and crises. Like all the other aims of foreign policy the encouragement of democracy can, of course, become a source of tension and danger if it is sought too quickly or by the wrong means. Precisely because it is a whole system, any attempt to impose democracy all at once on a society where its foundations do not exist would be a profound mistake. Likewise, the creation of democracy must be a gradual process; the very reason for turning human rights efforts in this direction is the inadequacy of what we can achieve in the short term.

## A Time Of Choice For Democratic Nations

These widespread fallacies may be largely responsible for the fact that one of the most hopeful developments in recent years--the march of democracy in Latin America--has gone largely unnoticed. Apart from Cuba, Suriname, Haiti, Guyana and Paraguay, the other twenty seven nations of Latin America and the Caribbean are either basically democratic, or at least nominally embarked on the transition to full democracy. Since 1980, alone, nine Latin American nations have either held free elections, or declared their intention of doing so soon: Argentina, Bolivia, Brazil, El Salvador, Guatemala, Honduras, Panama, Peru and Uruguay.

While the honor for this achievement belongs entirely to the people of Latin America, the United States has played a constructive role in this process. Given the influence which the United States has in its hemisphere, it is less likely that many military governments would have embarked on a transition to democracy if the United States had been urging caution in this course. In fact, United States policy over the last three years has been the precise opposite. In countries which had set timetables for transition to democracy, the United States has consistently urged adhering to these timetables or accelerating them. In countries where fragile democratic governments have been established and there have been rumors or initiatives of coups against democracy, the United States has mobilized its diplomatic influence to support democratic continuity. The heightened concern of the United States for hemispheric security in the last three years has not hindered, but rather helped, movement toward democracy in Latin America. Transition to democracy invariably involves uncertainty and risk, as seen from the standpoint of those who are relinquishing power. Such fears are likely to be aggravated by a United States that seems inconsistent, unpredictable, inclined to abandon its friends to Soviet or Cuban pressure. On the other hand, the risks and uncertainities are diminished by an American foreign policy that makes it clear that the United States can be counted on to protect its interests and its friends.

The United States is not alone, of course, in its efforts to foster democracy. As President Reagan stated in his address to Members of Parliament in London, "Over the past several decades, Western Europe and other Social Democrats, Christian Democrats, and leaders have offered open assistance to fraternal, political, and social institutions to bring about peaceful and democratic progress. Appropriately, for a vigorous new democracy, the Federal Republic of Germany's political foundations have become a major force in this effort."

The United States has now joined many of its allies in an effort to realize our common goal. We recognize that such an effort necessarily contains many unresolved dilemmas, but one point is unarguable: if the United States and its allies can encourage the growth of democracy, we will strengthen ourselves. Conversely, American strength and self-confidence are crucial preconditions to an effective human rights policy.

The democratic world is presented, not by its own will, but by events in the areas that are not yet democratic, with a choice about what its attitude toward democracy is going to be. We can either stand aside, and allow the conflicts raging in that part of the world to take their course, or we can choose to act in defense of our deepest values and commitments. The decision is ours to make.

# APPENDIX C

| SELECTED INTERNATIONAL HUMAN RIGHTS AGREEMENTS* | *Slavery Convention of September 25, 1926* | *Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of September 7, 1956* | *Inter-American Convention on the Granting of Political Rights to Women of May 2, 1948* | *Convention on the Political Rights of Women of March 31, 1953* | *Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949* | *Geneva Convention Relative to the Protection of Civilian Persons in time of War of August 12, 1949* | *Protocol Relating to the Status of Refugees of January 31, 1967* | *Convention on the Prevention and Punishment of the Crime of Genocide of December 9, 1948* | *International Covenant on Civil and Political Rights of December 16, 1966* | *International Covenant on Economic, Social and Cultural Rights of December 16, 1966* | *American Convention on Human Rights of November 22, 1969* | *European Convention for the Protection of Human Rights and Fundamental Freedoms of November 4, 1950* |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Africa | | | | | | | | | | | | |
| Angola | | | | | x | x | x | | | | | |
| Benin | x | | | | x | x | x | | | | | |
| Botswana | (x) | (x) | | | x | x | x | | | | | |
| Burkina Faso | | | | | x | x | x | x | | | | |
| Burundi | | | | | x | x | x | | | | | |
| Cameroon | x | x | | | x | x | x | | x | x | | |
| Cape Verde | | | | | x | x | | | | | | |
| Central African Republic | x | x | | x | x | x | x | | x | x | | |
| Chad | | | | | x | x | x | | | | | |
| Comoros | | | | | | | | | | | | |
| Congo | x | x | | x | x | x | x | | x | x | | |
| Djibouti | | x | | | x | x | x | | | | | |
| Equatorial Guinea | | | | | | | | | | | | |
| Ethiopia | x | x | | x | x | x | x | x | | | | |
| Gabon | | | | x | x | x | x | x | x | x | | |
| Gambia, The | (x) | (x) | | | x | x | x | x | x | x | | |
| Ghana | x | x | | x | x | x | x | x | | | | |
| Guinea | x | x | | x | x | x | x | | x | x | | |
| Guinea-Bissau | | | | | x | x | x | | | | | |
| Ivory Coast | x | x | | | x | x | x | | | | | |
| Kenya | | | | | x | x | x | | x | x | | |
| Lesotho | x | x | | x | x | x | x | x | | | | |
| Liberia | x | | | | x | x | x | x | | | | |
| Madagascar | x | x | | x | x | x | | | x | x | | |
| Malawi | x | x | | x | x | x | | | | | | |
| Mali | x | x | | x | x | x | x | x | x | x | | |
| Mauritania | | | | x | x | x | | | | | | |
| Mauritius | x | x | | x | x | x | | | x | x | | |
| Mozambique | | | | | x | x | | x | | | | |
| Namibia, U.N. Council for | | | | | x | x | | | | | | |
| Niger | x | x | | x | x | x | x | | | | | |
| Nigeria | x | x | | x | x | x | x | | | | | |
| Rwanda | | | | | x | x | x | x | x | x | | |
| Sao Tome and Principe | | | | | x | x | x | | | | | |
| Senegal | x | x | | x | x | x | x | x | x | x | | |
| Seychelles | (x) | (x) | | (x) | (x) | (x) | x | (x) | | | | |
| Sierre Leone | x | x | | x | x | x | x | | | | | |
| Somalia | | | | | x | x | x | | | | | |
| South Africa, Republic of | x | | | | x | x | | | | | | |

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*** All of these international human rights conventions have come into force, having respectively been ratified by the required number of states as specified in the final clauses of each convention. The "X" indicates those states that have ratified; parentheses signify countries which are parties based on general declarations concerning treaty obligations applicable prior to independence.**

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|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Africa—Continued | | | | | | | | | | | | |
| Sudan | x | x | | | x | x | x | | | | | |
| Swaziland | (x) | (x) | | x | x | x | x | | | | | |
| Tanzania | x | x | | x | x | x | x | x | x | x | | |
| Togo | x | x | | | x | x | x | x | x | x | | |
| Uganda | x | x | | | x | x | x | | | | | |
| Zaire | x | x | | x | x | x | x | x | x | x | | |
| Zambia | x | x | | x | x | x | x | | x | x | | |
| Zimbabwe | (x) | (x) | | | x | x | x | | | | | |
| Central and South America | | | | | | | | | | | | |
| Antigua | (x) | (x) | | (x) | (x) | (x) | | | | | | |
| Argentina | | x | x | x | x | x | x | x | | | x | |
| Bahamas | x | x | | x | x | x | (x) | x | | | | |
| Barbados | x | x | | x | x | x | | x | x | x | x | |
| Belize | | (x) | | (x) | x | x | | (x) | (x) | (x) | | |
| Bolivia | x | x | | x | x | x | x | | x | x | x | |
| Brazil | x | x | x | x | x | x | x | x | | | | |
| Chile | | | x | x | x | x | x | x | x | x | | |
| Colombia | | | x | | x | x | x | x | x | x | x | |
| Costa Rica | | | x | x | x | x | x | x | x | x | x | |
| Cuba | x | x | x | x | x | x | | x | | | | |
| Dominica | | | x | (x) | x | x | (x) | (x) | | | | |
| Dominican Republic | | x | x | x | x | x | x | | x | x | x | |
| Ecuador | x | x | x | x | x | x | x | x | x | x | x | |
| El Salvador | | | x | | x | x | x | x | x | x | x | |
| Grenada | (x) | (x) | | (x) | x | x | | (x) | | | x | |
| Guatemala | x | x | x | x | x | x | x | x | | | x | |
| Guyana | (x) | (x) | | | x | x | | | x | x | | |
| Haiti | x | x | x | x | x | x | x | x | | | x | |
| Honduras | | | x | | x | x | | x | | x | x | |
| Jamaica | x | x | | x | x | x | x | x | x | x | x | |
| Mexico | x | x | x | x | x | x | | x | x | x | x | |
| Nicaragua | x | | x | x | x | x | x | x | x | x | x | |
| Panama | | | x | | x | x | x | x | x | x | x | |
| Paraguay | | | x | | x | x | x | | | | | |
| Peru | | | x | x | x | x | x | x | x | x | x | |
| St. Christopher & Nevis | (x) | (x) | | (x) | (x) | (x) | | | | | | |
| St. Lucia | (x) | (x) | | (x) | x | x | | x | | | | |
| St. Vincent and the Grenadines | x | x | | (x) | x | x | | x | x | x | | |
| Suriname | x | x | x | (x) | x | x | x | | x | x | | |
| Trinidad and Tobago | x | x | | x | x | x | | | x | x | | |
| Uruguay | | | x | | x | x | x | x | x | x | | |
| Venezuela | | | | x | x | x | | x | x | x | x | |

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|---|---|---|---|---|---|---|---|---|---|---|---|---|
| East Asia and the Pacific | | | | | | | | | | | | |
| Australia | x | x | | x | x | x | x | x | x | x | | |
| Brunei | (x) | (x) | | (x) | (x) | (x) | | | | | | |
| Burma | x | | | | | | | x | | | | |
| Cambodia | | x | | | x | x | | x | | x | | |
| China | | | | | x | x | x | x | | | | |
| China (Taiwan only) | x | x | | x | | | | x | | | | |
| Fiji | x | x | | x | x | x | x | x | | | | |
| Indonesia | | | | x | x | x | | | | | | |
| Japan | | | | x | x | x | x | | x | x | | |
| Kiribati | (x) | (x) | | (x) | (x) | (x) | | | (x) | (x) | | |
| Korea, North | | | | | x | x | | | x | x | | |
| Korea, South | | | | x | x | x | | | | | | |
| Laos | | x | | x | x | x | | x | | | | |
| Malaysia | | x | | | x | x | | | | | | |
| Mongolian People's Republic | x | x | | x | x | x | | x | x | x | | |
| New Zealand | x | x | | x | x | x | x | x | x | x | | |
| Papua New Guinea | x | | | x | x | x | | x | | | | |
| Philippines | x | x | | x | x | x | x | x | | x | | |
| Singapore | | x | | | x | x | | | | | | |
| Solomon Islands | x | x | | x | x | x | | | | x | | |
| Thailand | | | | x | x | x | | | | | | |
| Tonga | (x) | (x) | | (x) | x | x | | x | | | | |
| Tuvalu | (x) | (x) | | (x) | x | x | | | (x) | (x) | | |
| Vanuaru | | | | | x | x | | | | | | |
| Vietnam | x | | | | x | x | | x | x | x | | |
| Western Samoa | | | | | x | x | | | | | | |
| Europe and North America | | | | | | | | | | | | |
| Albania | x | x | | x | x | x | | x | | | | |
| Austria | x | x | | x | x | x | x | x | x | x | | x |
| Belgium | x | x | | x | x | x | x | x | x | x | | x |
| Bulgaria | x | x | | x | x | x | | x | x | x | | |
| Canada | x | x | | x | x | x | x | x | x | x | | |
| Cyprus | | x | | x | x | x | x | x | x | x | | x |
| Czechoslovakia | x | x | | x | x | x | | x | x | x | | |
| Denmark | x | x | | x | x | x | x | x | x | x | | x |
| Finland | x | x | | x | x | x | x | x | x | x | | |
| France | x | x | | x | x | x | x | x | x | x | | x |
| German Democratic Republic | x | x | | x | x | x | | x | x | x | | |
| Germany, Federal Republic of | x | x | | x | x | x | x | x | x | x | | x |
| Greece | x | x | | x | x | x | x | x | | | | x |
| Holy See | | | | | | x | x | | | | | |
| Hungary | x | x | | x | x | x | | x | x | x | | |

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|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Europe and North America—Continued | | | | | | | | | | | | |
| Iceland | | x | | x | x | x | x | x | x | x | | x |
| Ireland | x | x | | x | x | x | x | x | | | | x |
| Italy | x | x | | x | x | x | x | x | x | x | | x |
| Liechtenstein | | | | | | x | x | | | | | |
| Luxembourg | | x | | x | x | x | x | x | x | x | | x |
| Malta | x | x | | x | x | x | x | | | | | x |
| Monaco | x | | | | x | | | x | | | | |
| Netherlands, The | x | x | | x | x | x | x | x | x | x | | x |
| Norway | x | x | | x | x | x | x | x | x | x | | x |
| Poland | x | x | | x | x | x | | x | x | x | | |
| Portugal | x | x | | | x | x | x | | x | x | | x |
| Romania | x | x | | x | x | x | | x | x | x | | |
| San Marino | | x | | | x | x | | | | | | |
| Spain | x | x | | x | x | x | x | x | x | x | | x |
| Sweden | x | x | | x | x | x | x | x | x | x | | x |
| Switzerland | x | x | | | x | x | x | | | | | x |
| Turkey | x | x | | x | x | x | x | x | | | | x |
| Union of Soviet Socialist Republics | x | x | | x | x | x | | x | x | x | | |
| United Kingdom | x | x | | x | x | x | x | x | x | x | | x |
| U.S.A. | x | x | x | x | x | x | x | | | | | |
| Yugoslavia | x | x | | x | x | x | x | x | x | x | | |
| | | | | | | | | | | | | |
| Near East, North Africa and South Asia | | | | | | | | | | | | |
| Afghanistan | x | x | | x | x | x | | x | x | x | | |
| Algeria | x | x | | | x | x | x | x | | | | |
| Bahrain | | | | | x | x | | | | | | |
| Bangladesh | | | | | x | x | | | | | | |
| Bhutan | | | | | | x | | | | | | |
| Egypt | x | x | | x | x | x | x | x | x | x | | |
| India | x | x | | x | x | x | | x | x | x | | |
| Iran | | x | | | x | x | x | | x | x | | |
| Iraq | x | x | | | x | x | | x | x | x | | |
| Israel | x | x | | x | x | x | x | x | | | | |
| Jordan | x | x | | | x | x | | x | x | x | | |
| Kuwait | x | x | | | x | x | | | | | | |
| Lebanon | x | | | x | x | x | | x | x | x | | |
| Libya | x | | | | x | x | | | x | x | | |
| Maldives | | | | | | | | x | | | | |
| Morocco | x | x | | x | x | x | x | x | x | x | | |
| Nepal | x | x | | x | x | x | | x | | | | |
| Oman | | | | | x | x | | | | | | |
| Pakistan | x | x | | x | x | x | | x | | | | |
| Qatar | | | | | x | x | | | | | | |

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|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Near East, North Africa and South Asia—Continued | | | | | | | | | | | | |
| Saudi Arabia | x | x | | | x | x | | x | | | | |
| Sri Lanka | x | x | | | x | x | | x | x | x | | |
| Syria | x | x | | | x | x | | x | x | x | | |
| Tunisia | x | x | | x | x | x | x | x | x | x | | |
| United Arab Emirates | | | | | x | x | | | | | | |
| Yemen Arab Republic | | | | | x | x | x | | | | | |
| Yemen, People's Democratic Republic of | | | | | x | x | | | | | | |